

Gutierrez, Raul

From: Mullins, Donna
Sent: Friday, October 13, 2017 11:13 AM
To: Gutierrez, Raul
Subject: RE: Safford site visit

Will Maria be there for the 10/17 site visit?

From: Gutierrez, Raul
Sent: Friday, October 13, 2017 11:11 AM
To: Mullins, Donna <mullins.donna@epa.gov>
Subject: Safford site visit

I can make it on 10/17, 10/23, 10/27, 10/30, 10/31, and 11/3.

I might be able to squeeze in a short visit on 10/19 or 10/20.

I can also give you additional dates in November if these dates don't work out for the consultant.

Raul Gutierrez, Ph.D.
Wetlands Section (6WQ-EM)
US EPA Region 6
(504) 862-2371

Office:
US Army Corps of Engineers
New Orleans District
CEMVN-OD-SS
7400 Leake Ave
New Orleans, Louisiana 70118

Section 404 Enforcement Case Referral

Case No. MVN-2014-02503-SA

Prepared By: Kyle Gordon

U.S. Army Corps of Engineers, New Orleans District

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I. INITIAL INVESTIGATION REPORT

- A. Date first reported: March 21, 2014
- B. Date work occurred: 2014 (additional unauthorized work 2016)
- C. Person alleging violation: Anonymous
- D. Responsible party: Mr. Jason Safford
River Bottom Whitetails, LLC
1815 Augustine Street
Port Allen, Louisiana 70767
PHONE: 225-505-1234
EMAIL: jpsafford@cox.net
- E. Agent: Mr. Brandon Melville
Bottomland Consulting, LLC
2194 South Fieldspan Road
Duson, Louisiana 70529
PHONE: 337-849-9978
EMAIL: bottomlandconsulting@gmail.com
- F. Location of unauthorized work (Appendix B)
 - i. Address: 5867 Choctaw Road, Brusly, Louisiana
 - ii. Section, Township, Range: Section 79, Township 8 South, Range 12 East
 - iii. Coordinates: Lat. 30.381533, Long. -91.291915

II. UNAUTHORIZED WORK DESCRIPTION

- A. Total wetland impacts = 6.9 acres
 - i. Deposition of fill: Total = 0.5 acres
 - ii. Redistribution of fill (mechanized land clearing/grading) = 6.4 acres
- B. The responsible party cleared and graded approximately 6.9 acres of wetlands in 2014. The Corps of Engineers (Corps) confirmed this violation on 3/21/14, completed a jurisdictional determination, and received a Tolling Agreement and after-the-fact permit application for this unauthorized work, as well as a proposed road and "shed" (MVN-2014-02541-CM). The applicant withdrew this permit and stated they would submit a restoration plan for the work. In 2015, West Baton Rouge Parish obtained a permit for drainage improvements, which included an access road on this property (MVN-2014-01999-CM). From late-2015 to early-2016, the Corps contacted the agent and responsible party multiple times regarding the restoration of the original 2014 violation. On 4/29/16, an additional field inspection by the Corps revealed that the original 2014 violation had not be restored, and also revealed additional violations on the property (approximately 0.5 acres of deposited fill) which closely resembled the proposed projects in the withdrawn after-the-fact permit application for the original 2014 violation. A Cease & Desist Order was issued on 5/1/16, but was never signed by the responsible party; however, the comments that were requested in the Cease & Desist Order were received from the responsible party's agent. See Chronology of Case for a more detailed timeline.

III. CORPS HISTORY WITH RESPONSIBLE PARTY

- A. Signed tolling Agreement for 2014 violation (Appendix C)
- B. Jurisdictional determination for violation (MVN-2013-02504-2-SC) (Appendix D)
- C. Withdrawn after-the-fact permit application for 2014 violation (MVN-2014-02541-CM) (Appendix E)
- D. Adjacent jurisdictional determination (MVN-2013-02504-1-SC) (Appendix F)
- E. Signed certified mail receipt from 2016 Cease & Desist Order (Appendix G)

IV. CHRONOLOGY OF CASE

- A. 3/21/14: Field investigation by Gary Couret Corps confirmed original violation.
- B. 4/21/14: Signed tolling agreement received (Appendix C).
- C. 5/7/14: Request for jurisdictional determination (JD) request received by Corps.
- D. 6/17/14: JD for violation issued by Corps of Engineers (MVN-2013-02504-2-SC) (Appendix D).
- E. 8/11/14: Original after-the-fact permit application received for proposed "shed" and aggregate road (MVN-2014-02541-CM) submitted by responsible party (Appendix E).
- F. 12/15/14: Additional after-the-fact permit application (MVN-2014-01999-CM) for proposed drainage work and access road submitted by Parish of West Baton Rouge.
- G. 3/30/15: Original after-the-fact permit application (MVN-2014-02541-CM) withdrawn by application because they stated they would rather restore the violation to pre-project conditions.
- H. 4/1/15: After-the-fact permit issued to Parish of West Baton Rouge for drainage work and access road (MVN-2014-02541-CM) (Appendix H).
- I. 11/17/15: Violation reassigned to Kyle Gordon of the Corps upon Gary Couret's retirement. Corps emailed agent requesting status of restoration plan (Appendix I).
- J. 12/1/15: Corps emailed agent and responsible party requesting status of restoration. Corps also left voicemail for responsible party. Agent returned email stating that he would meet with applicant regarding a path forward (Appendix J).
- K. 1/15/16: Corps emailed agent requesting restoration plan (Appendix K).
- L. 1/25/16: Email returned from agent stating that he plans to conduct a field inspection to determine the current condition of the site and to determine a path forward for restoration (Appendix L).
- M. 3/25/16: Emailed agent requesting restoration plan (Appendix M).
- N. 4/26/16: New 2016 aerial released on Google Earth. Noticed that "shed" from withdrawn application (MVN-2014-02541-CM) had been constructed. Also noticed that area that had been cleared was still being maintained as a violation (Appendix N).
- O. 4/29/16: Field inspection by Kyle Gordon of Corps confirmed additional violation. Area around "shed" had been filled and "shed" constructed (see photos). Placed notice of violation sticker at site (Appendix O).
- P. 5/1/16: Sent cease & desist order and requested comments via certified mail (Appendix P).
- Q. 5/6/16: Received signed certified mail receipt but never received signed cease & desist order (Appendix G).
- R. 5/10/16: Call from agent. Stated that responsible party will submit cease & desist order and comments, and would like to permit the "shed" and restore rest of site.
- S. 5/18/16: Received comments from agent (Appendix Q).

APPENDIX A

LEAD ENFORCEMENT AGENCY IDENTIFICATION

The purpose of this form is to document the lead enforcement agency designation in accordance with the "Memorandum of Agreement (MOA) Between the Department of the Army and the Environmental Protection Agency (EPA) Concerning Federal Enforcement of the Section 404 Program of the Clean Water Act" dated January 19, 1989.

I. INFORMATION

1. Corps File Number: MVN-2014-02503-SA
2. Location (Lat/Long, Section, Township, Range): Lat. 30.381533, Long. -91.291915
3. Landowners: Mr. Jason Safford
4. Contractors: Mr. Brandon Melville
5. Violators: Mr. Jason Safford
6. Date Violation Occurred: 2014 and 2016
7. Date of Investigation & Corps Investigators: 3/21/14- Gary Couret
4/29/16 - Kyle Gordon
8. Description of Unauthorized Activities: Mechanized land clearing and deposition of fill in wetlands
9. Classification from Part III, D(1):
 - (x) a. Repeat Violator(s)
 - () b. Flagrant Violator
 - (x) c. Particular Case EPA May Request
 - (x) d. Corps Recommends Administrative Penalty
10. Completed Inspection Report (w/photos, maps, and an estimate of impacts in acres, linear feet, and/or cubic yards), and Preliminary Jurisdictional Determination Attached:
11. ORMS Database Query Results for Landowners, Contractors, and/or Violators Attached:
12. Corps Recommendations for Resolution: The Corps recommends administrative penalties and resotation of the site to pre-project conditions and/or after-the-fact permit.

II. EPA DETERMINATION

- () EPA will act as lead enforcement agency.
- () EPA declines the lead enforcement agency role and refers the matter back to the Corps pursuant to Part III. D(2) of the MOA. EPA's recommendations are:

If applicable:

EPA requested additional time (*date, time, Corps contact*): _____

EPA requested additional information (*date, time, Corps contact, type of info*): _____

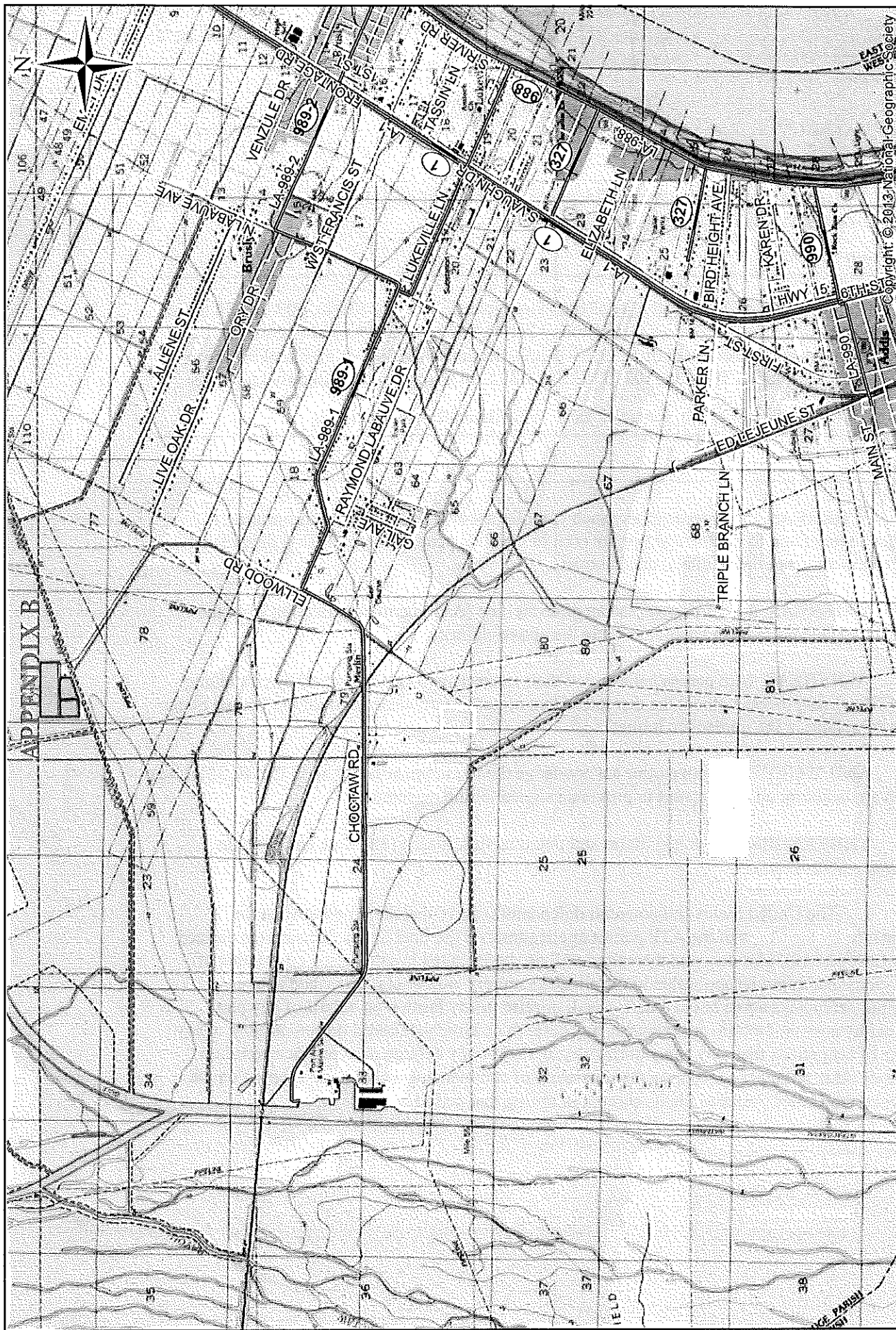
III. JOINT ENFORCEMENT STRATEGY (if applicable)

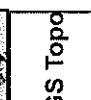
Corps Lead:

EPA Lead:

IV. CERTIFICATION (must be completed)

	Corps Representative	EPA Representative
Name/Title	Kyle Gordon	
Signature/Date		



 <p>US Army Corps of Engineers New Orleans District</p>	<p>Vicinity Map Project Location</p>	<p>MVN-2014-02503-SA USGS Topo</p>
<p>0 1,050 2,100 4,200 6,300 8,400 Feet</p>		

TOLLING AGREEMENT

WHEREAS, the United States of America, on behalf of the United States Army Corps of Engineers (Corps) may file a complaint against

Mr. Jason Safford

("potential defendant(s)") for, inter alia, alleged violations of Sections 301(a), 309, & 404 of the Clean Water Act ("CWA"), 33 U.S.C. Sections 1311(a), 1319, & 1344 and/or Section 9, 10, or 13 of the Rivers and Harbors Act of 1899, 33 U.S.C. Sections 401, 403, or 407, and/or Ocean Dumping Act Sections 101 and/or 103 (33 U.S.C. 1411, 1413), at a site commonly known as Section 79, Township 8 South, Range 12 East, West Baton Rouge, Louisiana

WHEREAS, the purpose of any such complaint would be to obtain appropriate injunctive relief and to impose appropriate civil or criminal penalties for potential defendant(s) alleged violations of the statute(s) cited above;

WHEREAS, the Corps accepted an after-the-fact (ATF) permit application from the potential defendant(s) in an attempt to settle the above claims;

WHEREAS, both parties believe that their interests will best be served by continuing the ATF permit process without the disruption that might be occasioned should the United States file a complaint in the immediate future;

AND WHEREAS both parties acknowledge the requirement found at 33 C.F.R. 331.11(c) for an applicant for an ATF permit to provide a signed tolling agreement;

THEREFORE, the United States and potential defendant(s) stipulate and agree as follows:

1. The United States and potential defendant(s) agree that the time between the acceptance by the Corps of the ATF permit application and the final Corps decision (as defined at 33 CFR 331.10), plus one year thereafter, will not be included in calculating any statute of limitations that might be applicable to the alleged statutory violation(s) described above. Potential defendants agree not to assert, plead, or raise in any fashion on behalf of any party, whether by answer, motion, or otherwise, any defense or avoidance based on the running of any statute of limitations that may apply during that period or any defense or avoidance based on laches or other principle concerning the timeliness of commencing a civil action, based on the failure of the United States to file its complaint during that period.

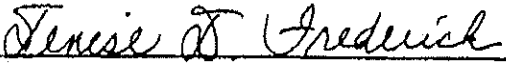
2. Potential defendants further agree not to transfer the property in question during the pendency of this tolling agreement nor during the pendency of any civil action brought as described above, without first notifying the United States and giving the United States a reasonable opportunity to oppose such transfer.

3. Nothing in this tolling agreement shall restrict or otherwise prevent the United States from filing a complaint regarding any alleged statutory violation(s) not described above, at any time.

4. This tolling agreement does not constitute any admission of liability on the part of potential defendants; nor does it constitute any admission or acknowledgment on the part of the United States that any statute of limitations has run or that any statute of limitations is applicable to the statutory claims described above.

5. This tolling agreement contains the entire agreement between the parties, and no statement, promise or inducement made by any party to this agreement, or any agent of such parties, that is not set forth in this agreement shall be valid or binding. This tolling agreement may not be enlarged, modified or altered except in writing signed by the parties. This tolling agreement may be executed in counterparts.

FOR: United States of America



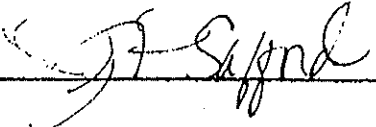
DENISE D. FREDERICK, District Counsel
New Orleans District, U.S. Army Corps Of Engineers

gmc for ddf

4/21/14

DATE

FOR: ("potential defendant(s)")



4-21-14

DATE

APPENDIX D



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF

JUN 17 2014

Operations Division
Surveillance and Enforcement Section

Mr. Brandon Melville
Bottomland Consulting, LLC
2194 South Fieldspan Road
Duson, Louisiana 70529

Dear Mr. Melville:

Reference is made to your request, on behalf of River Bottom Whitetails, LLC, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 79, Township 8 South, Range 12 East, West Baton Rouge Parish, Louisiana (enclosed map). Specifically, this property is identified as a 12-acre tract located on and south of LA-989-1 (Choctaw Road) and east of Weldon Lane in Brusly, Louisiana.

Based on review of recent maps, aerial photography, and soils data, we have determined that part of the property is wetland and may be subject to Corps' jurisdiction. The approximate limits of the wetland are designated in red and orange on the map. A Department of the Army (DA) permit under Section 404 of the Clean Water Act will be required prior to the deposition or redistribution of dredged or fill material into wetlands that are waters of the United States. Additionally, a DA permit will be required if you propose to deposit dredged or fill material into other waters subject to Corps' jurisdiction. Other waters that may be subject to Corps' jurisdiction are indicated in blue on the map.

You and your client are advised that this preliminary jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

Should there be any questions concerning these matters, please contact Mr. Gary Couret at (337) 291-3042 and reference our Account No. MVN-2013-02504-SC-2. If you have specific questions regarding the permit process or permit applications, please contact our Central Evaluation Section at (504) 862-2577. The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please complete the survey on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

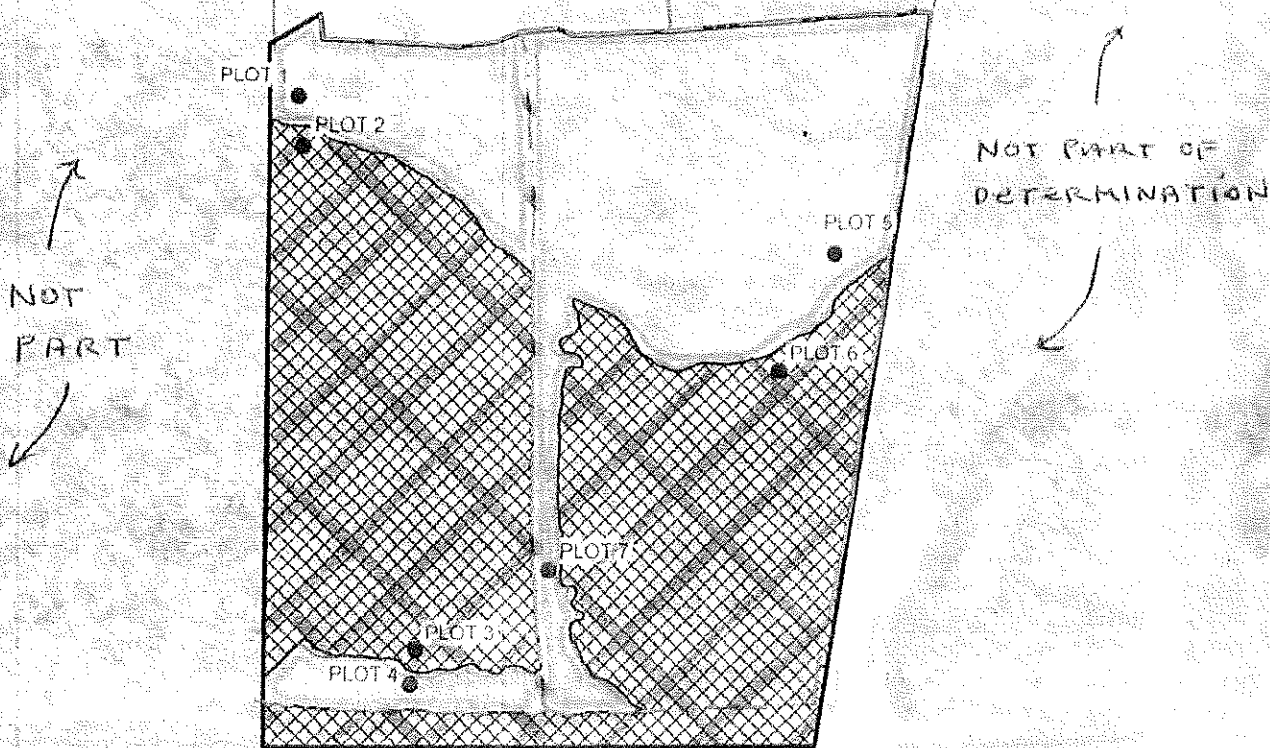
A handwritten signature in dark ink, appearing to read "Martin S. Mayer", is written over the typed name.

Martin S. Mayer
Chief, Regulatory Branch

Enclosures

MOV-2013-02504-SC-1

PRELIMINARY JURISDICTIONAL DETERMINATION



USACE Acct. No. MVN-2013-02504-SC-2

12-acre tract. Unauthorized activities in wetlands/waters.

For B. Melville, with consultant's field data obo

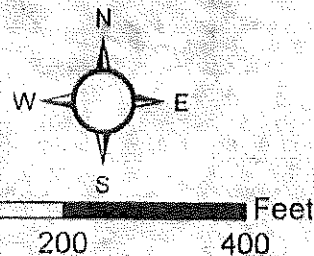
River Bottom Whitetails, LLC

Section 79, T8S, R12E, W. Baton Rouge Parish, LA






fsv 2-5-14, lh 6-9-14 gmc, Lat. 30.38193, Long. -91.29253

Wetland Acres = 6.9

Upland Acres = 5.1



Legend

- Wetland Delineation Plots
-  Wetlands (sec. 404)
-  UNAUTHORIZED ACTIVITY IN WETLAND & WATERS
-  RBW, LLC Boundary
-  NON-WETLAND
-  Other Waters (sec. 404)

River Bottom Whitetails, LLC

Wetland Detail

Timber Harvest Area

Section 79/Township8S/Range12E

West Baton Rouge Parish, Louisiana

Bottomland Consulting, LLC

Rev. (date/initial)

Created by

Date

Job Number

PAGE 3 OF 3

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office New Orleans District File/ORM # MVN-2013-02504-SC-2 PJD Date: Jun 10, 2014

State LA City/County Brusly/West Baton Rouge Parish

Nearest Waterbody: Port Allen Canal & Bayou Bourbeaux

Location: TRS, Lat/Long or UTM: Section 79, Township 8 South, Range 12 East
Lat. 30.381934, Long. -91.292530

Name/ Address of Person Requesting PJD
Mr. Brandon Melville
Bottomland Consulting, LLC
2194 South Fieldspan Road
Duson, Louisiana 70529
obo River Bottom Whitetails, LLC

Identify (Estimate) Amount of Waters in the Review Area:

Non-Wetland Waters:

2800 linear ft width acres Stream Flow: Intermittent

Wetlands: 6.9 acre(s) Cowardin Class: Palustrine, forested

Name of Any Water Bodies on the Site Identified as Section 10 Waters: Tidal:
Non-Tidal:

☒ Office (Desk) Determination
☒ Field Determination:

Date of Field Trip: Mar 21, 2014

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps
- ☐ Corps navigable waters' study:
- ☐ U.S. Geological Survey Hydrologic Atlas:
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite quad name: 1:24,000, Lobdell
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS WSS
- ☐ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is:
- ☒ Photographs: ☒ Aerial (Name & Date): SONRIS, Google, 98, 04, 07, 08, 12 & 13
☒ Other (Name & Date): Consultant's field report photos dated April 5, 2014
- ☐ Previous determination(s). File no. and date of response letter:
- ☒ Other information (please specify): Unauthorized activities on this tract.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Guy H. Combs 6/10/14
Signature and Date of Regulatory Project Manager
(REQUIRED)

Mr. Melville requested a Preliminary JD
May 27, 2014

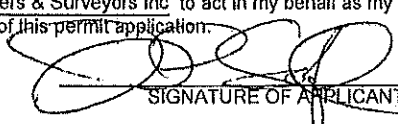
Signature and Date of Person Requesting Preliminary JD
(REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1 The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2 In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

APPENDIX E

U.S. ARMY CORPS OF ENGINEERS APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT 33 CFR 325. The proponent agency is CECW-CO-R.		Form Approved - OMB No. 0710-0003 Expires: 31-AUGUST-2013	
<p>Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.</p>			
PRIVACY ACT STATEMENT			
<p>Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.</p>			
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)			
1. APPLICATION NO. MAYN-2014-02541-CM	2. FIELD OFFICE CODE	3. DATE RECEIVED AUG 11 2014	4. DATE APPLICATION COMPLETE
(ITEMS BELOW TO BE FILLED BY APPLICANT)			
5. APPLICANT'S NAME First - Jason Middle - Last - Safford Company - River Bottom Whitetails, LLC E-mail Address - jpsafford@cox.net		8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Cletus Middle - Last - Langlois Company - Patin Engineers and Surveyors, Inc. E-mail Address - clanglois@patinengr-surv.com	
6. APPLICANT'S ADDRESS: Address- 1815 Auguste Street City - Port Allen State - LA Zip - 70767 Country - USA		9. AGENT'S ADDRESS: Address- 4463 La. Hwy. 1 South, Suite F City - Port Allen State - LA Zip - 70767 Country - USA	
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 225-505-1234		10. AGENTS PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 225-387-2167	
STATEMENT OF AUTHORIZATION			
11. I hereby authorize, Patin Engineers & Surveyors Inc. to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.  8-6-14 SIGNATURE OF APPLICANT DATE			
NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY			
12. PROJECT NAME OR TITLE (see instructions) Proposed Wetlands Impact Area & Proposed Ditch Fill Area			
13. NAME OF WATERBODY, IF KNOWN (if applicable) n/a		14. PROJECT STREET ADDRESS (if applicable) Address n/a	
15. LOCATION OF PROJECT 30.3362084 - 91.272524 Latitude: +N 683953.66 (State Plane) Longitude: +W 3293430.78 (St. Pla.)		City - Brusly State - LA Zip- 70719	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID 203800003000 Municipality West Baton Rouge Parish Section - 79 Township - 8 South Range - 12 East			

17. DIRECTIONS TO THE SITE

Take the Plaquemine Exit off of Interstate 10. Head South on La. Hwy. 1 South. After crossing the Intracoastal Waterway, go 3.7 miles, take a right on St. Francis Street. Go 0.7 miles then take a left on Choctaw Road. Stay on Choctaw Road for 2.6 miles. Site will be on your left.

18. Nature of Activity (Description of project, include all features)

The first activity on this project is the proposed wetlands impact area. This area is 0.734 Acres with dimensions shown on drawings. It will include: creating a new ditch, creating a limestone road and creating an equipment shed area. All of these shown on drawings. Work to be done with dozer, excavator and dump trucks.

The second activity will be filling in on existing ditch. All dimensions shown on drawings. Same equipment will be used.

The third activity will be filling in and re-routing other waters ditches. These will all be re-routed into a the proposed retention pond. All of this also shown on drawings.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of this project is to create adequate drainage for a proposed future subdivision that will be located North of this property on a non-wetland area. This proposed subdivision will also be taking in adjacent properties drainage so it will be beneficial to more people than just the applicant. This project will also provide the landowner with access to his adjacent property as well as a camp site area which is shown in the drawings. Project will start as soon as permit is issued.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

Approximately 1,308 cubic yards of material will be dredged from proposed ditch. Approximately 318 cubic yards of this material will be used to fill in the proposed ditch fill area. The remainder will be used to fill in other waters or be relocated to a non-wetland area located 600 yards north of this area as shown on vicinity map. Approximately 136 cubic yards of compacted fill will be brought in for limestone road base. Approximately 67 cubic yards of limestone will be brought in for road.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
Compacted Base Fill - 136 c.y.	Limestone - 67 c.y.	Sharky Clay (from ditch excavation) 318 c.y.

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres Approx. 0.73 Ac. Wetlands impacted (see dwgs. for dimensions/details); Approx. 0.14 Ac. other waters filled in wetlands;
or

Linear Feet Approx. 0.37 Ac. of other waters filled outside of wetlands.

23. Description of Avoidance, Minimization, and Compensation (see instructions)

The 0.14 Acres of other waters that will be filled should help the adjacent non-wetland area become wetlands. Other waters outside of wetlands will not affected by this. The 0.37 of other waters that will be filled will be re-routed to drain into proposed retention pond. This will improve the other waters drainage. After leaving the retention pond, the other waters will then drain into our proposed ditch. Which will lead into an existing ditch, which the West Baton Rouge Parish will improve once their permit is approved. (see other Permit Application for this area)

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- 1815 Auguste Street (Owner: River Bottom Whitetails, LLC)

City - Port Allen

State - La

Zip - 70767

b. Address- P.O. Box 1431 (Owner: George C. Latiolais)

City - Brusly

State - La

Zip - 70719

c. Address- 2412 Oak Alley (Owner: Kenneth L. Blanchard)

City - Port Allen

State - La

Zip - 70767

d. Address-

City -

State -

Zip -

e. Address-

City -

State -

Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

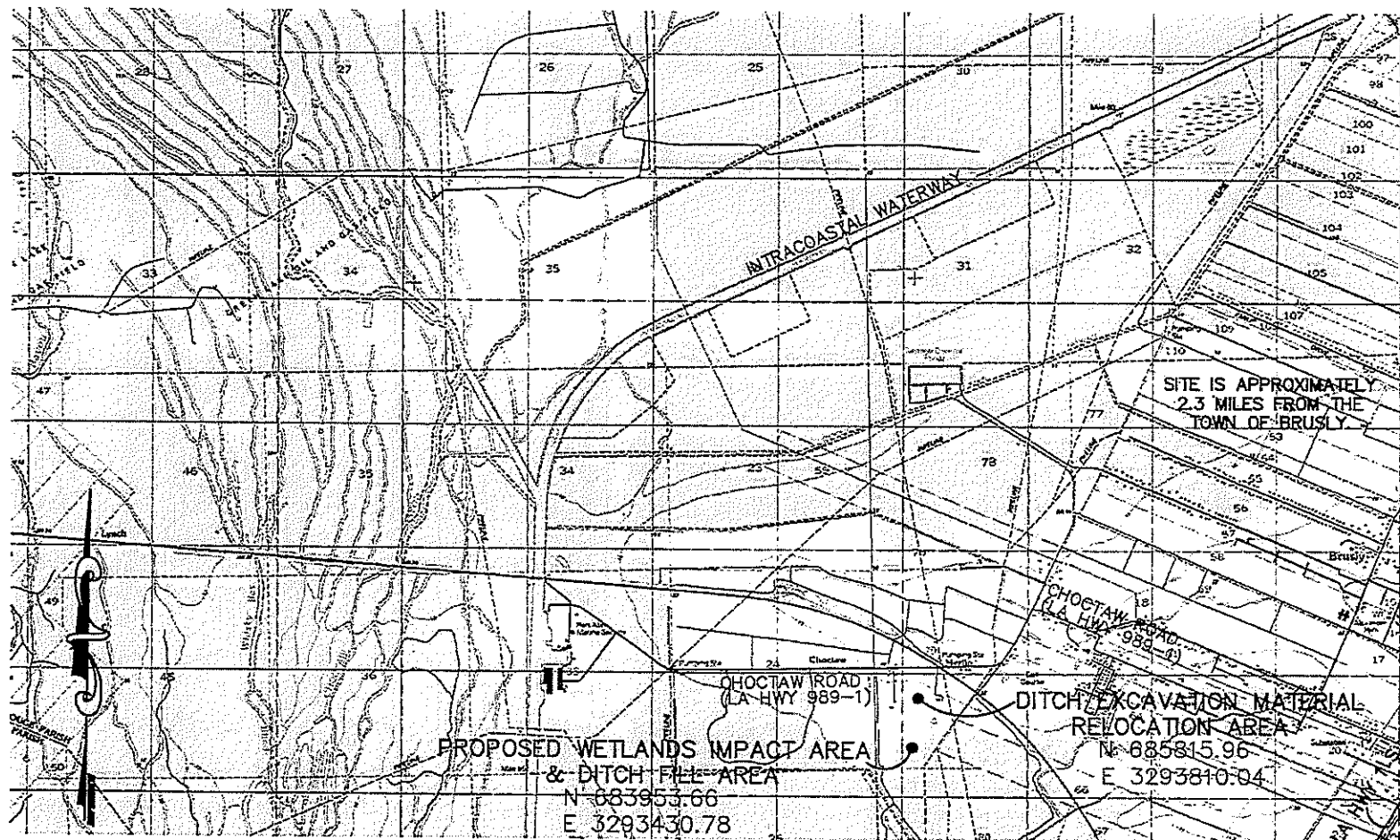
DATE

SIGNATURE OF AGENT

DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



VICINITY MAP:
PROPOSED WETLANDS IMPACT AREA
 &
PROPOSED DITCH FILL AREA

(SCALE: 1"=4000')

LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH, RANGE 12 EAST
 SOUTHEASTERN LAND DISTRICT, WEST OF THE MISSISSIPPI RIVER
 PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA
 FOR

RIVER BOTTOM WHITETAILS, LLC.

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PESI



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INCORPORATED

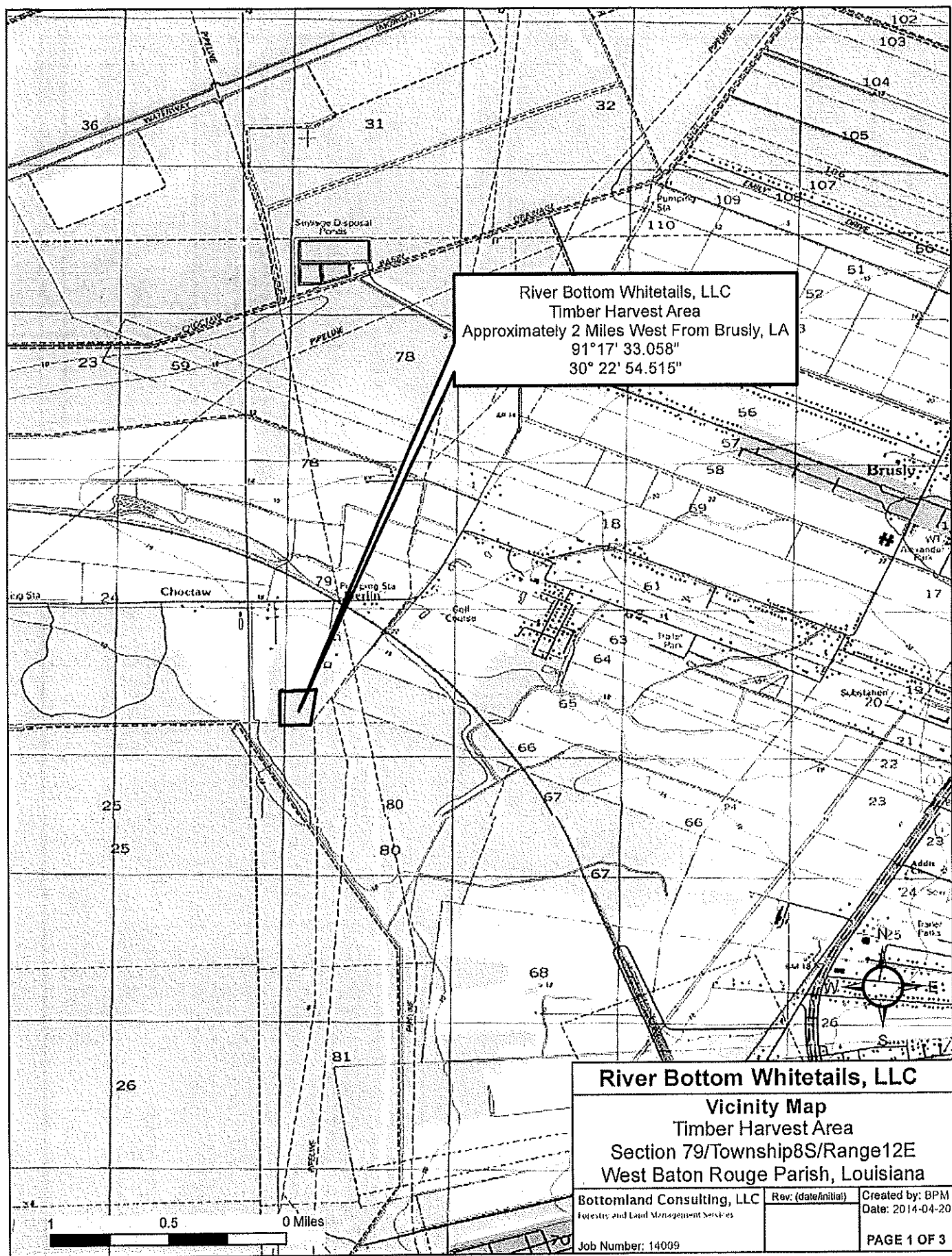
4463 LA. HWY. 1 SOUTH,
SUITE F
PORT ALLEN, LA 70767
OFFICE: (225) 387-2187
FAX: (225) 388-9006

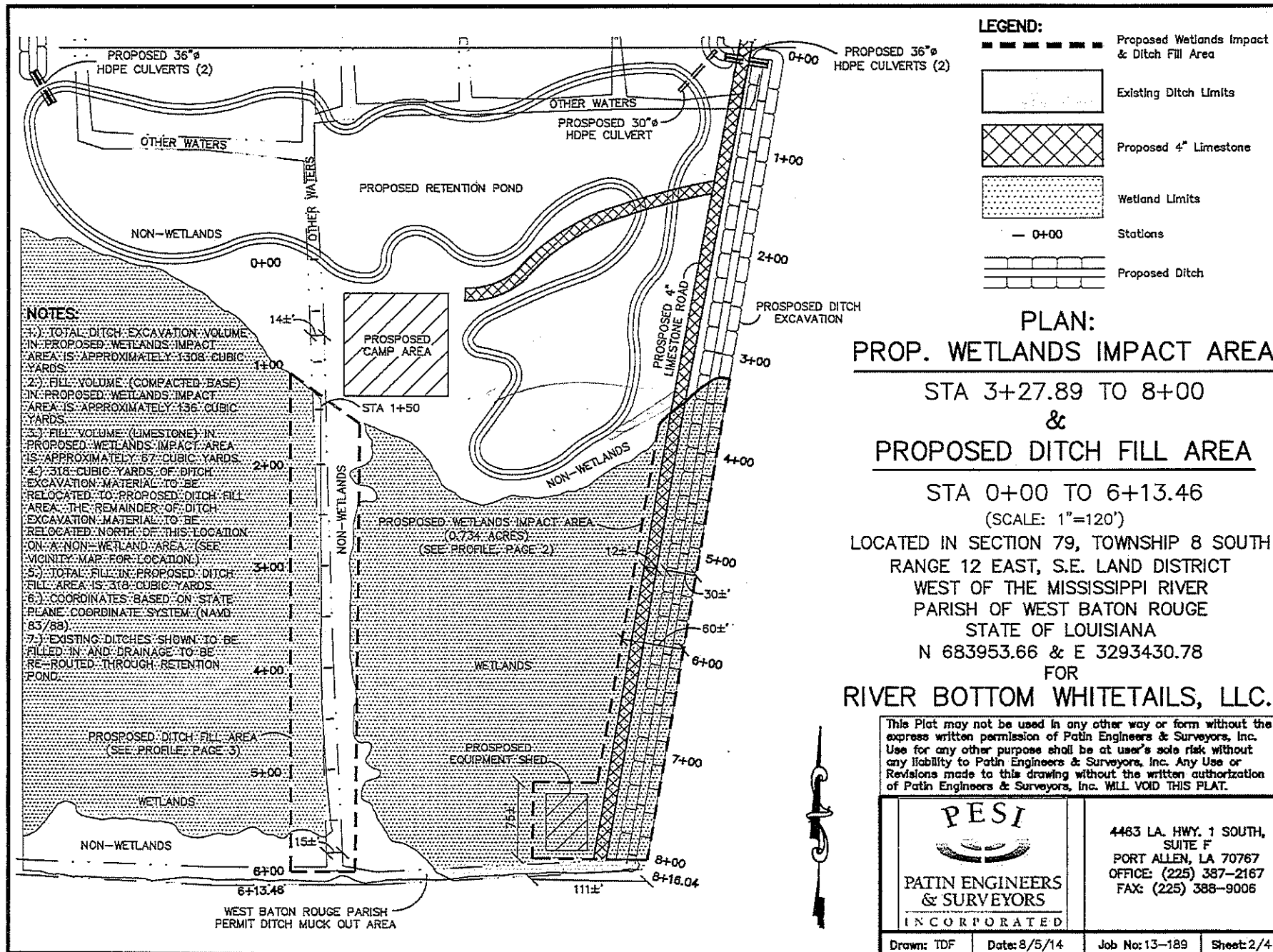
Drawn: TDF

Date: 8/5/14

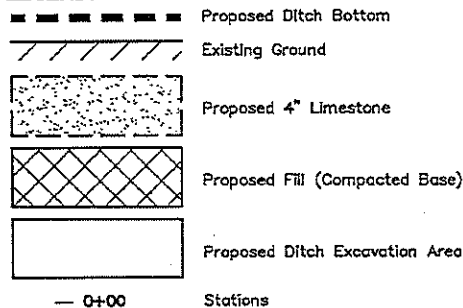
Job No: 13-189

Sheet: 1/4



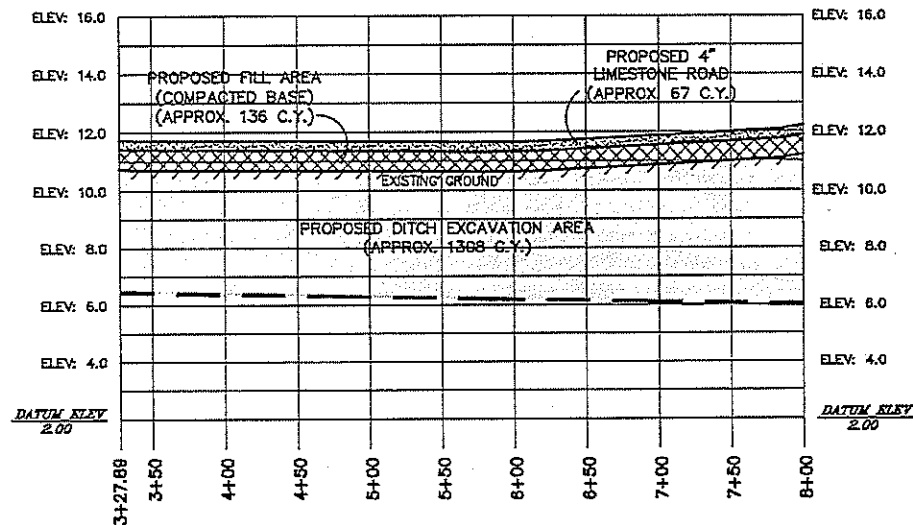


LEGEND:



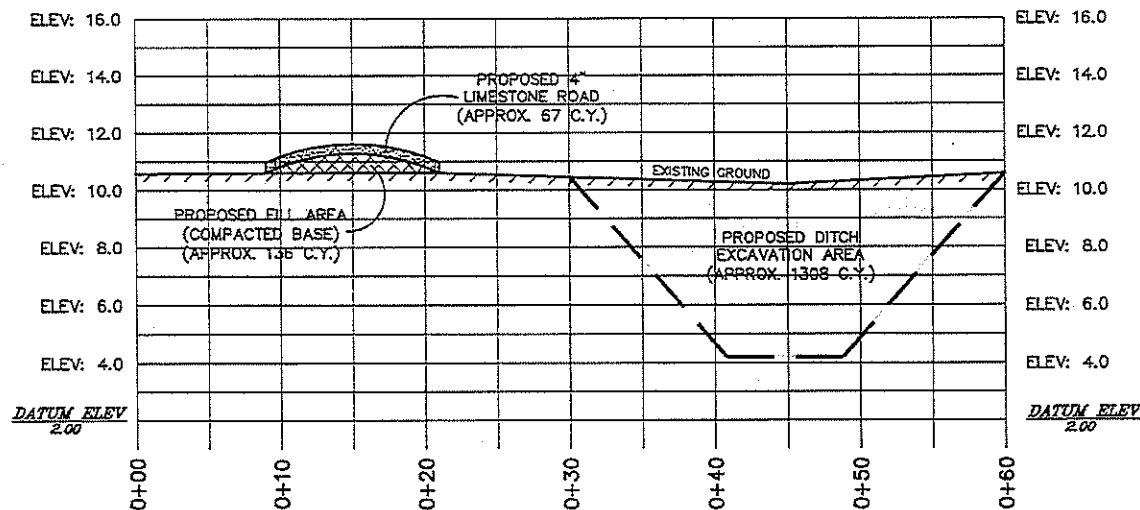
NOTES:

- 1.) TOTAL DITCH EXCAVATION VOLUME IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 1308 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 136 CUBIC YARDS.
- 3.) FILL VOLUME (LIMESTONE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 67 CUBIC YARDS.
- 4.) 318 CUBIC YARDS OF DITCH EXCAVATION MATERIAL TO BE RELOCATED TO PROPOSED DITCH FILL AREA. THE REMAINDER OF DITCH EXCAVATION MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE VICINITY MAP FOR LOCATION.)
- 5.) TOTAL FILL IN PROPOSED DITCH FILL AREA IS 318 CUBIC YARDS.
- 6.) COORDINATES BASED ON STATE PLANE COORDINATE SYSTEM (NAD83/88).
- 7.) EXISTING DITCHES SHOWN TO BE FILLED IN AND DRAINAGE TO BE RE-ROUTED THROUGH RETENTION POND.



PROFILE: PROPOSED WETLANDS IMPACT AREA

STA 3+27.89 TO 8+00
 (SCALES: HORIZ: 1"=120', VERT: 1"=6')



TYPICAL CROSS SECTION:

(SCALE: N.T.S.)

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4483 LA. HWY. 1 SOUTH,
SUITE F
PORT ALLEN, LA 70767
OFFICE: (225) 387-2167
FAX: (225) 388-9006

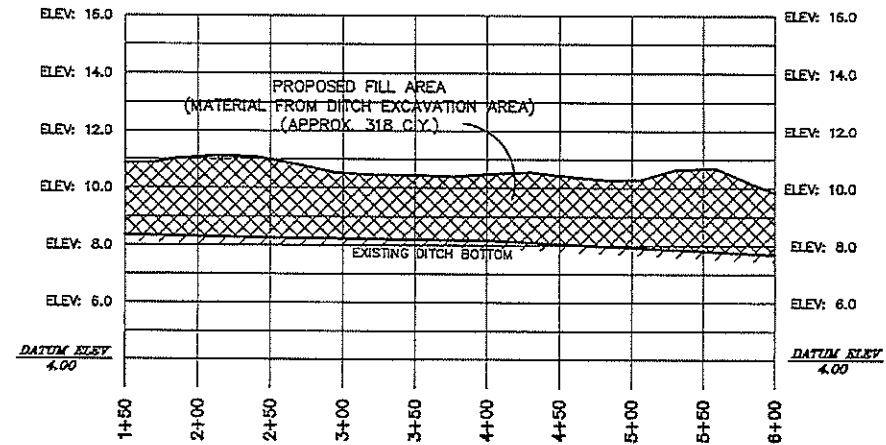
Drawn: TDF Date: 8/5/14 Job No: 13-189 Sheet: 3/4

LEGEND:

- ■ ■ ■ ■ Proposed Ditch Bottom
- /// Existing Ground
- ▨ Proposed Fill (Ditch Excavation Material)
- 0+00 Stations

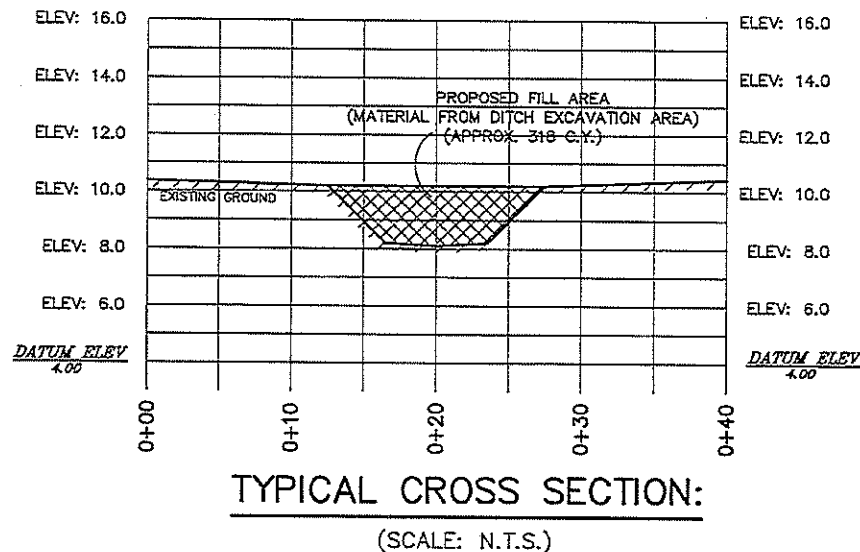
NOTES:

- 1.) TOTAL DITCH EXCAVATION VOLUME IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 1308 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 136 CUBIC YARDS.
- 3.) FILL VOLUME (LIMESTONE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 67 CUBIC YARDS.
- 4.) 318 CUBIC YARDS OF DITCH EXCAVATION MATERIAL TO BE RELOCATED TO PROPOSED DITCH FILL AREA. THE REMAINDER OF DITCH EXCAVATION MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE VICINITY MAP FOR LOCATION.)
- 5.) TOTAL FILL IN PROPOSED DITCH FILL AREA IS 318 CUBIC YARDS.
- 6.) COORDINATES BASED ON STATE PLANE COORDINATE SYSTEM (NAVD 83/88).
- 7.) EXISTING DITCHES SHOWN TO BE FILLED IN AND DRAINAGE TO BE RE-ROUTED THROUGH RETENTION POND.



PROFILE: PROPOSED DITCH FILL AREA

STA 1+50 TO 6+00
(SCALES: HORIZ: 1"=120', VERT: 1"=6')



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INCORPORATED

4483 LA. HWY. 1 SOUTH,
SUITE F
PORT ALLEN, LA 70787
OFFICE: (225) 387-2167
FAX: (225) 388-9006

Drawn: TDF Date: 8/5/14 Job No: 13-189 Sheet: 4/4

APPENDIX F



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 80267
NEW ORLEANS, LOUISIANA 70160-0267

JUN 03 2014

Operations Division
Surveillance and Enforcement Section

Mr. Brandon Melville
Bottomland Consulting, LLC
2194 South Fieldspan Road
Duson, Louisiana 70529

Dear Mr. Melville:

Reference is made to your request, on behalf of JS Enterprises, LLC, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 79, Township 8 South, Range 12 East, West Baton Rouge Parish, Louisiana (enclosed map). Specifically, this property is identified as an approximately 38-acre tract located on and south of LA-989-1 (Choctaw Road) and east of Weldon Lane in Brusly, Louisiana.

Based on review of recent maps, aerial photography, soils data, and the information provided with your request, we have determined that this property is not in a wetland subject to Corps' jurisdiction. However, a Department of the Army permit under Section 404 of the Clean Water Act will be required if you propose to deposit dredged or fill material into other waters subject to Corps' jurisdiction. Other waters that may be subject to Corps' jurisdiction are indicated in blue on the map.

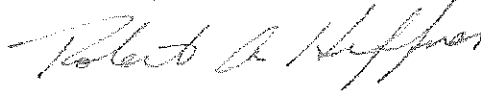
This delineation/determination has been conducted to identify the limits of the Corps' Clean Water Act jurisdiction for the particular site identified in your request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If the property owner or tenant is a USDA farm participant, or anticipates participation in USDA programs, a certified wetland determination should be requested from the local office of the Natural Resources Conservation Service prior to starting work.

You and your client are advised that this preliminary jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

Should there be any questions concerning these matters, please contact Mr. Gary Couret at (337) 291-3042 and reference our Account No. MVN-2013-02504-1-SC. If you have specific questions regarding the permit process or permit applications, please contact our Western Evaluation Section at (504) 862-2261. The New Orleans District

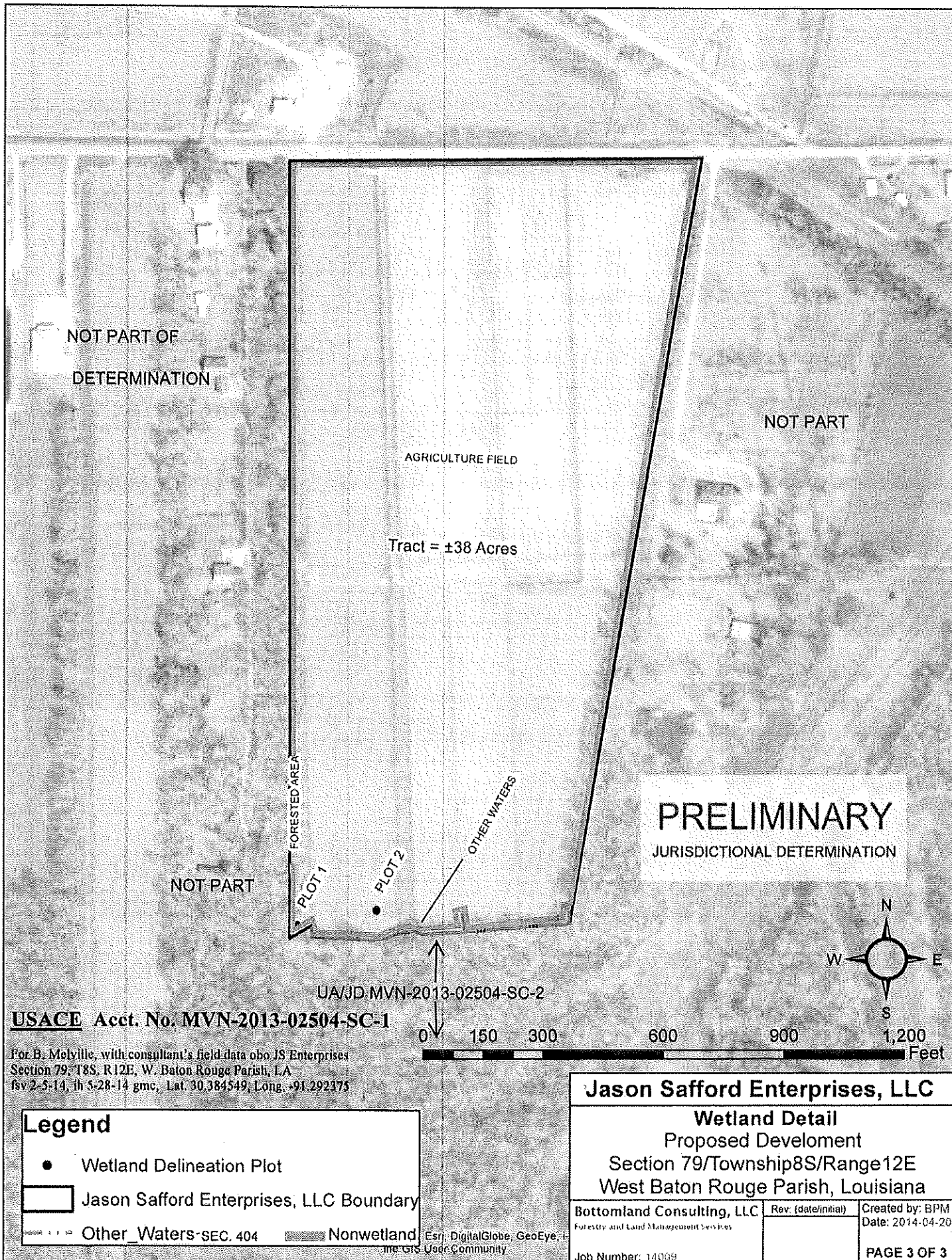
Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please complete the survey on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Martin S. Mayer
Chief, Regulatory Branch

Enclosures



PRELIMINARY JURISDICTIONAL DETERMINATION FORM

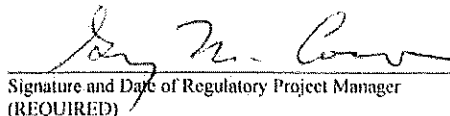
This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office	New Orleans District	File/ORM #	MVN-2013-02504-SC-1	PJD Date:	May 28, 2014
State	LA	City/County	Brusly/West Baton Rouge Parish	Name/Address of Person	Mr. Brandon Melville Bottomland Consulting, LLC 2194 South Fieldspan Road Duson, Louisiana 70529
Nearest Waterbody:	Port Allen Canal & Bayou Bourbeaux			Requesting PJD	obo JS Enterprises
Location: TRS, Lat/Long or UTM:	Section 79, Township 8 South, Range 12 East Lat. 30.384549, Long. -91.292375				
Identify (Estimate) Amount of Waters in the Review Area:				Name of Any Water Bodies Tidal: _____	
Non-Wetland Waters: _____ Stream Flow: _____				on the Site Identified as _____	
700 linear ft _____ width _____ acres _____ Intermittent _____				Section 10 Waters: Non-Tidal: _____	
Wetlands: 0 acre(s) Cowardin Class: N/A				<input checked="" type="checkbox"/> Office (Desk) Determination <input type="checkbox"/> Field Determination: _____ Date of Field Trip: _____	

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: _____
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - ☐ Office concurs with data sheets/delineation report.
 - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps _____
- ☐ Corps navigable waters' study: _____
- ☐ U.S. Geological Survey Hydrologic Atlas:
 - ☐ USGS NHD data.
 - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite quad name: 1:24,000, Lobdell _____
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS WSS _____
- ☐ National wetlands inventory map(s). Cite name: _____
- ☐ State/Local wetland inventory map(s): _____
- ☐ FEMA/FIRM maps: _____
- ☐ 100-year Floodplain Elevation is: _____
- ☒ Photographs: ☒ Aerial (Name & Date): SONRIS, Google, 08, 04, 07, 08, 12 & 13 _____
 - ☒ Other (Name & Date): Consultant's field report photos dated April 5, 2014 _____
- ☐ Previous determination(s). File no. and date of response letter: _____
- ☐ Other information (please specify): _____

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Signature and Date of Regulatory Project Manager
(REQUIRED)  5/28/14

Mr. Melville requested a Preliminary JD
May 27, 2014

Signature and Date of Person Requesting Preliminary JD
(REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. JASON SAFFORD
1815 AUGUSTINE ST.
PORT ALLEN, LA 70767

2. Article Number

(Transfer from service label)

7001 2510 0007 1398 2314

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Fran Legendre ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Fran Legendre 5/5/16

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

APPENDIX H

DEPARTMENT OF THE ARMY PERMIT

Permittee: Parish of West Baton Rouge

Permit No. MVN-2014-01999-CM

Issuing Office: New Orleans District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Clear, excavate, and place fill and culverts for an access road and drainage improvements, in accordance with drawings attached in nine sheets, sheet 1 dated 11/3/2014.

Project Location: Approximately 3.5 miles west of Brusly, Louisiana, near LA Hwy. 989-1, in West Baton Rouge Parish.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on April 30, 2020. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: Page 4.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- ☐ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- ☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

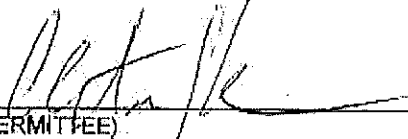
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

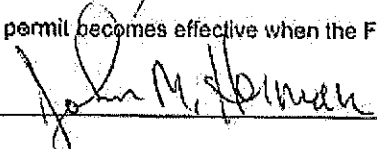
6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

X 
(PERMITTEE)

X 4-1-15
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.


John M. Herman, Chief of Central Evaluation Section
for Richard L. Hansen, District Commander

1 Apr. 2015
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

SPECIAL CONDITIONS: MVN-2014-01999-CM

7. The Chitimacha Tribe of Louisiana has stated that the project area is part of the aboriginal Chitimacha homelands. If, during the course of work at the site, prehistoric and/or historic aboriginal cultural materials are discovered, the permittee will contact the Chitimacha Tribe of Louisiana at Post Office Box 661, Charenton, Louisiana 70523, and the New Orleans District Corps of Engineers, Regulatory Branch (CEMVN). CEMVN will initiate the required federal, state, and tribal coordination to determine the significance of the cultural materials and the need, if applicable, for additional cultural resource investigations.

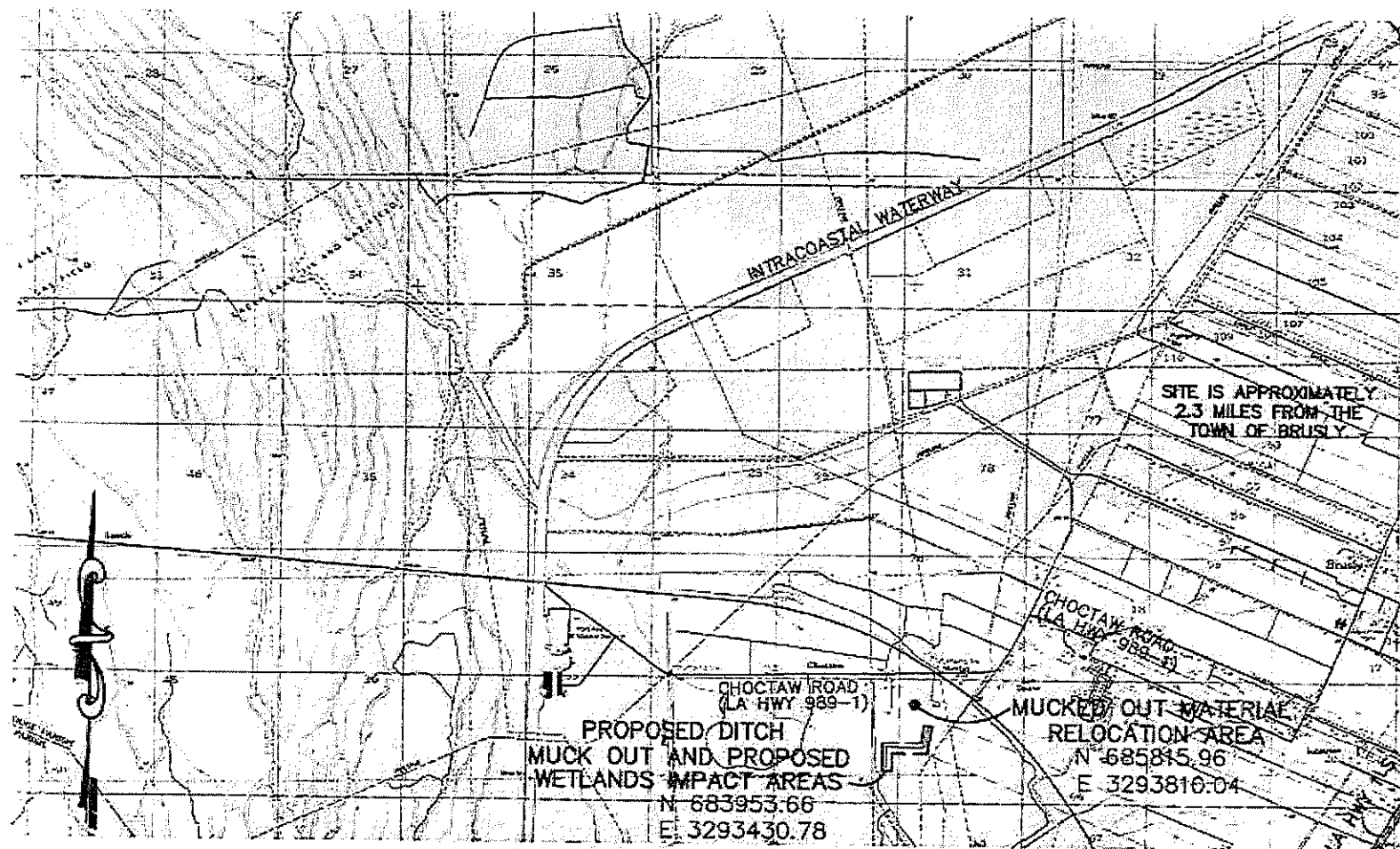
8. Construction activities shall not cause more than minimal and temporal water quality degradation of any adjacent wetland, stream, or water body. Appropriate erosion and siltation controls must be utilized during construction to prevent sediment runoff into adjacent wetlands and waterways. Sediment control techniques could include but are not limited to the use of secured hay bales, sediment fencing, wooden or vinyl barriers, and/or seeding of disturbed areas. These structures should be maintained in effective operating condition until sediments are stabilized by vegetation and other impervious surfacing.

9. The permittee shall limit clearing, excavation and the temporary placement of fill material to areas essential to the project. The remainder of the property shall be left in its natural state. If the proposed project requires any additional work not expressly permitted herein, the permittee must obtain an amendment to this authorization prior to commencement of work.

10. Issuance of this permit confirms that CEMVN, Regulatory Branch has been provided with written notification from Cypress Knee Ranch, LLC that the applicant has contracted for 0.5 acre of cypress swamp at Bayou Grand Coteau Addendum 1-Coastal Mitigation Bank. Cypress Knee Ranch, LLC has assumed responsibility for completing the mitigation in accordance with the Bayou Grand Coteau Addendum 1-Coastal Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in the Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS).

11. Many local governing bodies have instituted laws and/or ordinances in order to regulate fill activities in floodplains to assure maintenance of floodwater storage capacity and avoid disruption of drainage patterns that may affect surrounding properties. Your project involves placement of fill, therefore, you must contact the local municipal and/or parish governing body regarding potential impacts to floodplains and compliance of your authorized activities with local floodplain ordinances, regulations, or permits.

12. The permittee shall maintain the culverts associated with this project to ensure that existing flow of surface water is uncompromised.



**VICINITY MAP: PROPOSED DITCH MUCK OUT AREA
& PROPOSED WETLANDS IMPACT AREA**

(SCALE: 1"=4000')

LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH, RANGE 12 EAST
SOUTHEASTERN LAND DISTRICT, WEST OF THE MISSISSIPPI RIVER
PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA
FOR

WEST BATON ROUGE PARISH

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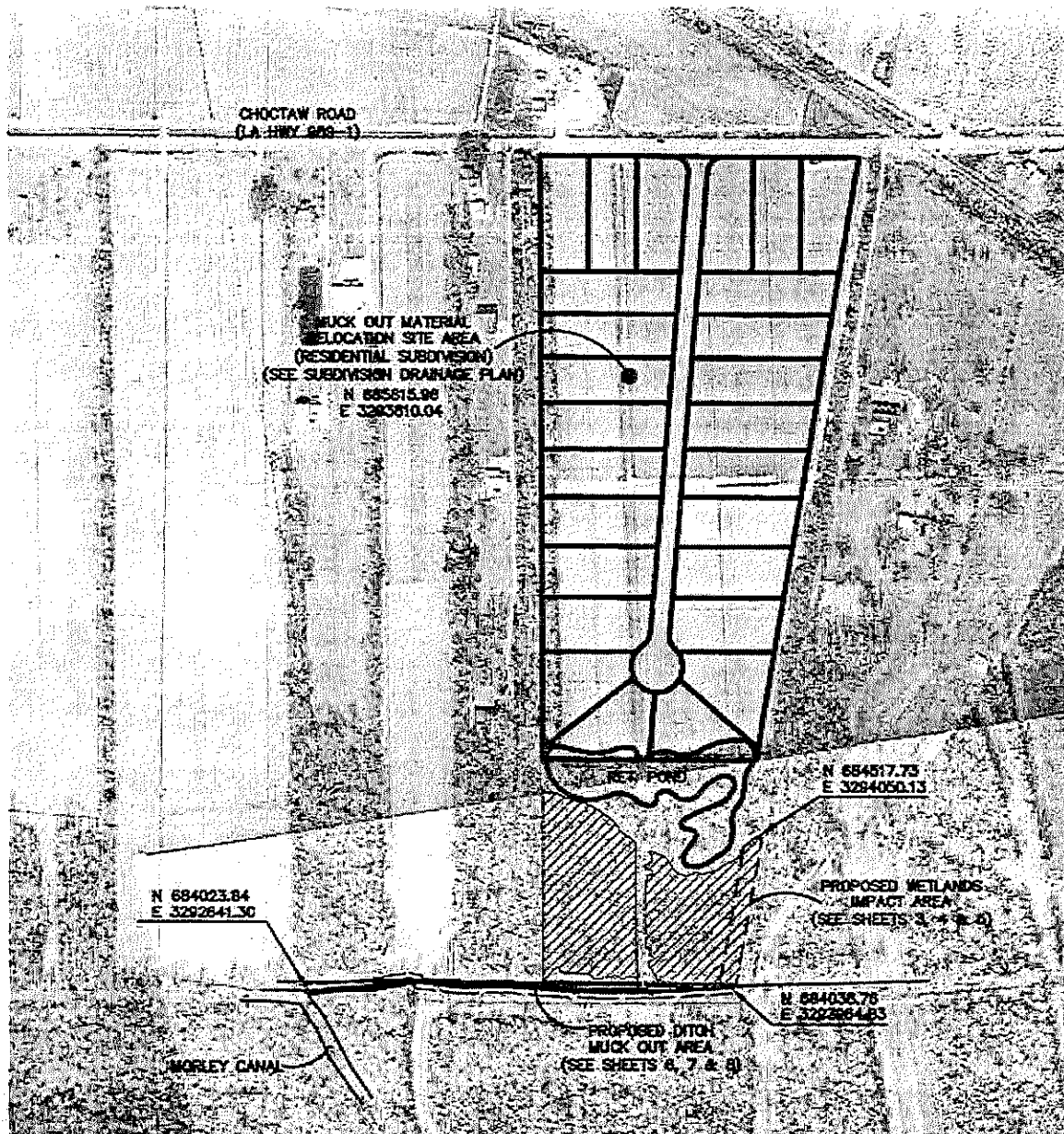
4483 LA. HWY. 1 SOUTH,
SUITE F
PORT ALLEN, LA 70767
OFFICE: (225) 387-2187
FAX: (225) 388-9006

Drawn: TDF | Date: 11/13/14 | Job No: 13-189 | Sheet: 1/8

VICINITY MAP: PROPOSED DITCH MUCK OUT AREA & PROPOSED WETLANDS IMPACT AREA

(SCALE: 1"=500')

FOR
LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH
RANGE 12 EAST, S.E. LAND DISTRICT
WEST OF THE MISSISSIPPI RIVER
PARISH OF WEST BATON ROUGE,
STATE OF LOUISIANA
WEST BATON ROUGE PARISH



LEGEND:

- Proposed Ditch Muck Out & Wetlands Impact Areas
- Existing Ditch Limits
- Wetland Limits

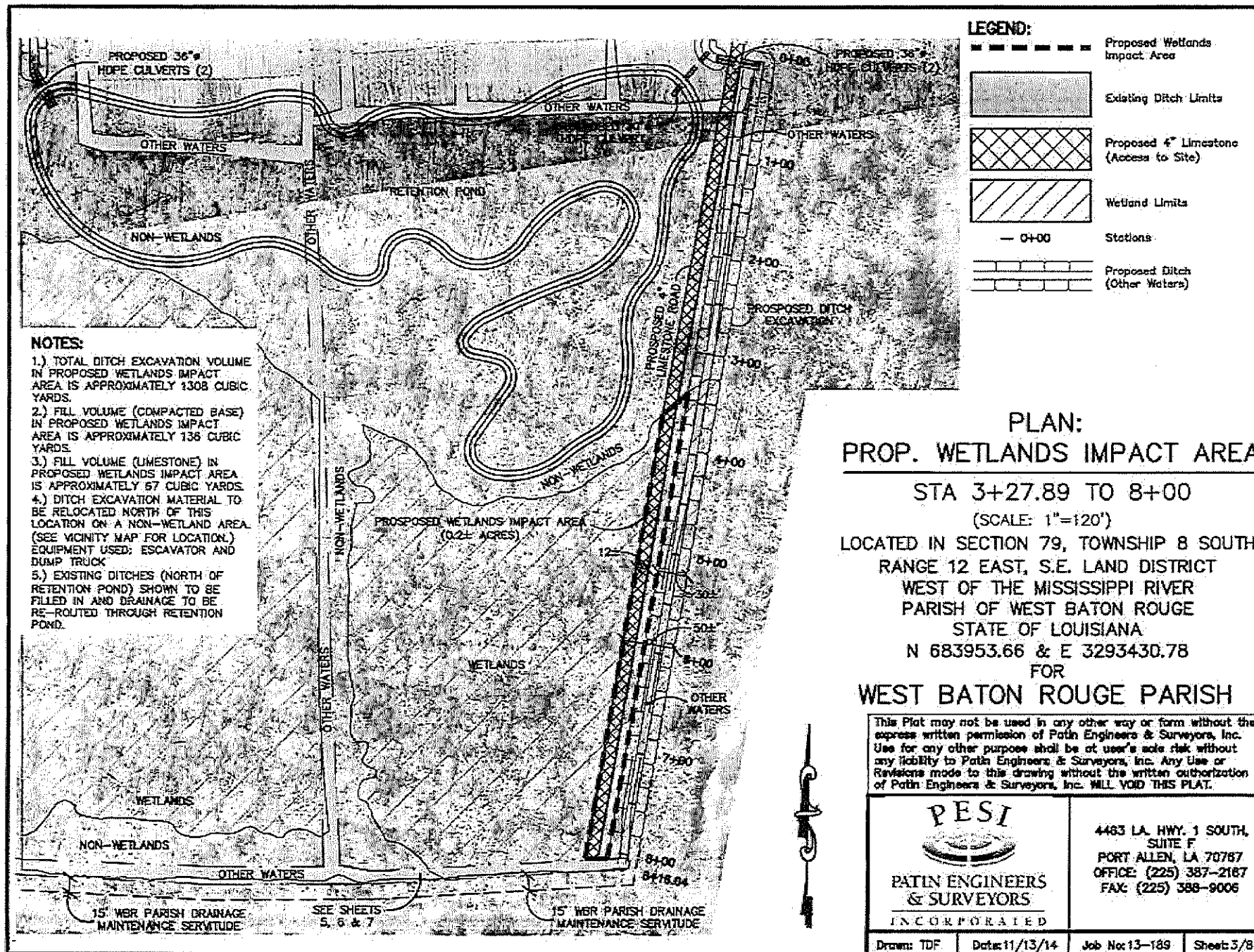
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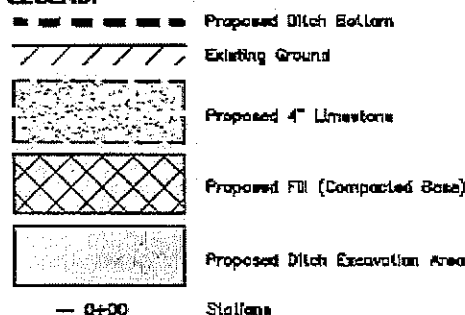
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SUITE F
PORT ALLEN, LA 70787
OFFICE: (225) 387-2187
FAX: (225) 388-9006

Drawn: TDF Date: 11/14/13 Job No: 13-189 Sheet: 2/8

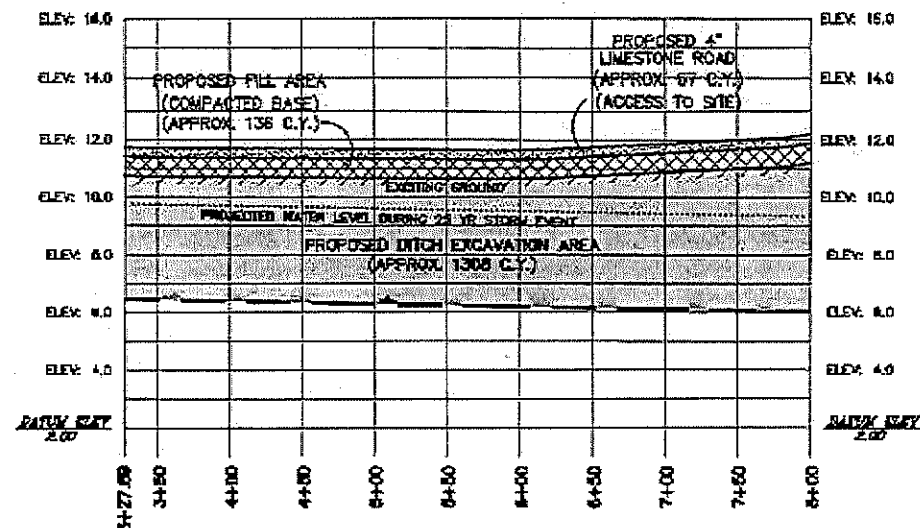


LEGEND:



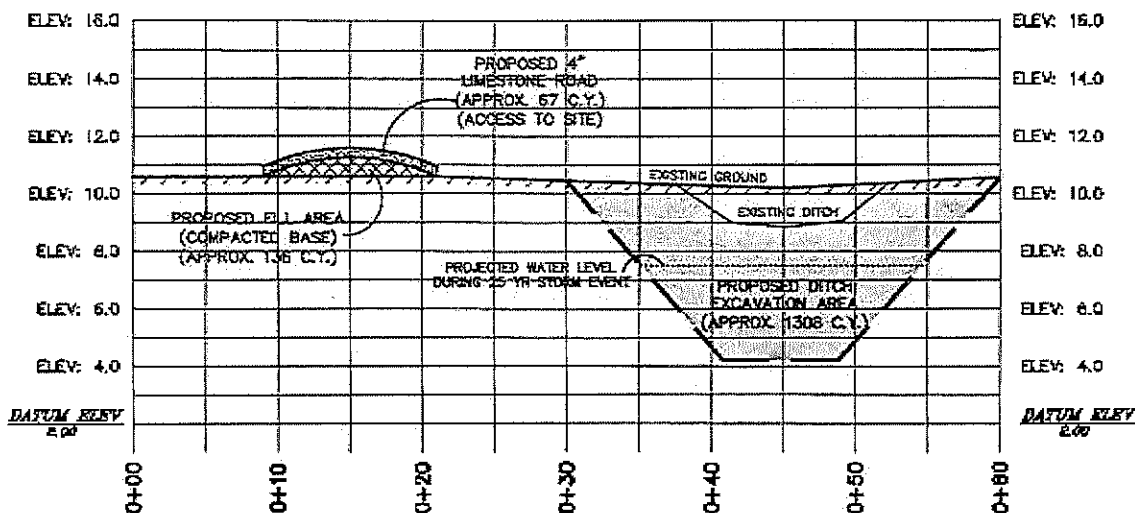
NOTES:

- 1.) TOTAL DITCH EXCAVATION VOLUME IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 1308 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 136 CUBIC YARDS.
- 3.) FILL VOLUME (LIMESTONE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 67 CUBIC YARDS.
- 4.) DITCH EXCAVATION MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE VICINITY MAP FOR LOCATION.) EQUIPMENT USED: ESCAVATOR AND DUMP TRUCK
- 5.) EXISTING DITCHES (NORTH OF RETENTION POND) SHOWN TO BE FILLED IN AND DRAINAGE TO BE RE-ROUTED THROUGH RETENTION POND.
- 6.) EXISTING DITCHES ARE USUALLY DRY EXCEPT FOR WHEN SIGNIFICANT RAINFALL HAS OCCURED. WHEN THIS HAPPENS, WATER OCCASIONALLY FILLS THE DITCHES AND FLOODS THE ADJACENT PROPERTIES. PROJECTED WATER LEVELS FOR POST CONSTRUCTION OF SUBDIVISION ARE SHOWN IN PROFILES AND CROSS SECTIONS. THESE WATER LEVELS WILL NOT BE CONSTANT AND THE DITCHES WILL RETURN TO A DRY STATE ONCE ALL WATER HAS BEEN DRAINED.



PROFILE: PROPOSED WETLANDS IMPACT AREA

STA 3+27.89 TO 8+00
(SCALES: HORIZ: 1"=120', VERT: 1"=6')



TYPICAL CROSS SECTION:

(SCALE: N.T.S.)

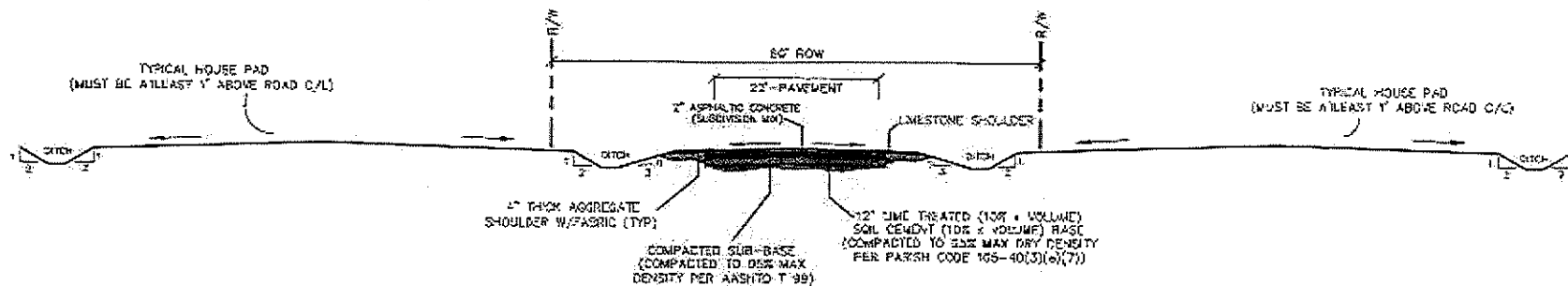
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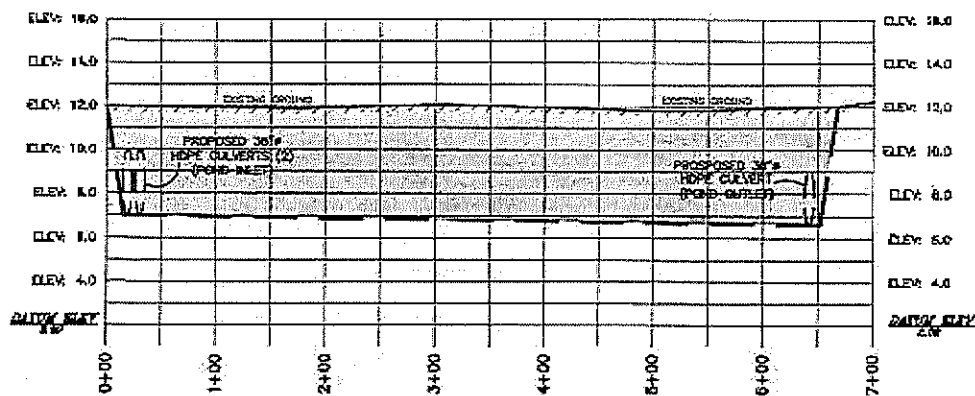
4483 LA. HWY. 1 SOUTH,
SUITE F
PORT ALLEN, LA 70787
OFFICE: (225) 387-2187
FAX: (225) 388-9006

Drawn: TDF Date: 11/13/14 Job No: 13-189 Sheet: 4/8



TYPICAL ROAD AND HOUSE PAD CROSS SECTION FOR HUNTER'S POINTE SUBDIVISION:

(SCALE: N.T.S.)



RETENTION POND CROSS SECTION:

(SCALE: N.T.S.)

LEGEND:



Retention Pond

— 0+00

Stations



Drainage Flow Arrow

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PESI



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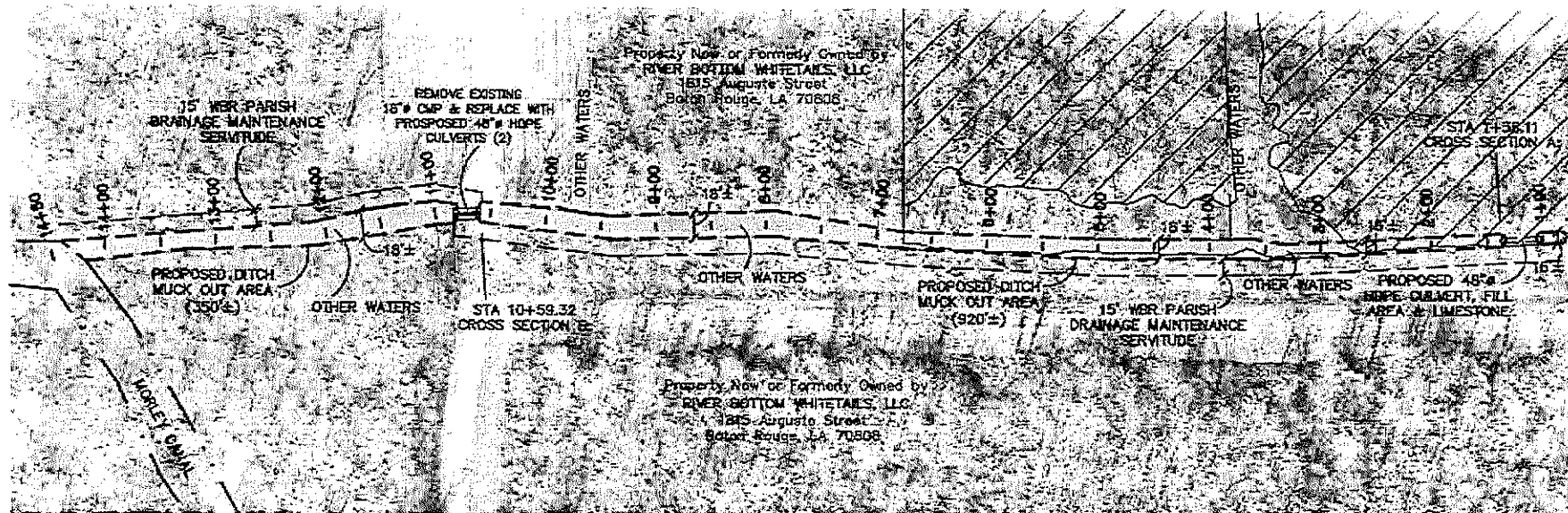
4463 LA. HWY. 1 SOUTH,
SUITE F
PORT ALLEN, LA 70767
OFFICE: (225) 387-2167
FAX: (225) 388-8006

Drawn: TDF

Date: 11/13/14

Job No: 13-189

Sheet: 5/8



PLAN: PROPOSED DITCH MUCK OUT AREA

STA 0+00 TO 14+50

(SCALE: 1"=140')

LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH, RANGE 12 EAST
SOUTHEASTERN LAND DISTRICT, WEST OF THE MISSISSIPPI RIVER
PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA
N 683953.66 & E 3293430.78

FOR

WEST BATON ROUGE PARISH

LEGEND:

- Proposed Ditch
- Muck Out Area
- Other Waters
- Existing Ditch Limits
- Wetland Limits
- 0+00 Stations

NOTES:

- 1.) TOTAL MUCK OUT VOLUME IS APPROXIMATELY 1800 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IS APPROXIMATELY 17 CUBIC YARDS AT CROSS SECTION A.
- 3.) FILL VOLUME (LIMESTONE) IS APPROXIMATELY 6 CUBIC YARDS AT CROSS SECTION A.
- 4.) DREDGED MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE VICINITY MAP FOR LOCATION.) EQUIPMENT USED: ESCAVATOR AND DUMP TRUCK.
- 5.) COORDINATES BASED ON STATE PLANE COORDINATE SYSTEM (NAVD 83/88).

This Plat may not be used in any other way or form without the express written permission of Patin Engineers & Surveyors, Inc. Use for any other purpose shall be at user's sole risk without any liability to Patin Engineers & Surveyors, Inc. Any Use or Revelations made to this drawing without the written authorization of Patin Engineers & Surveyors, Inc. WILL VOID THIS PLAT.

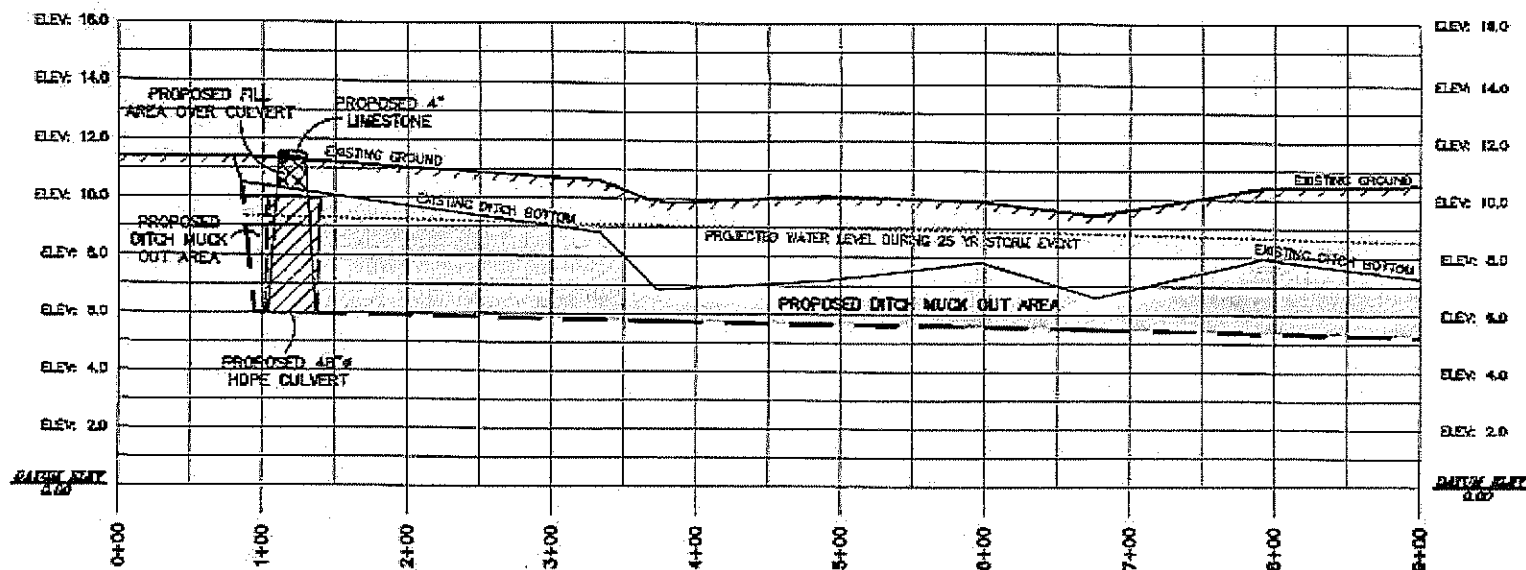


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Drawn: TDF Date: 11/14/13 Job No: 13-189 Sheet: 6/6

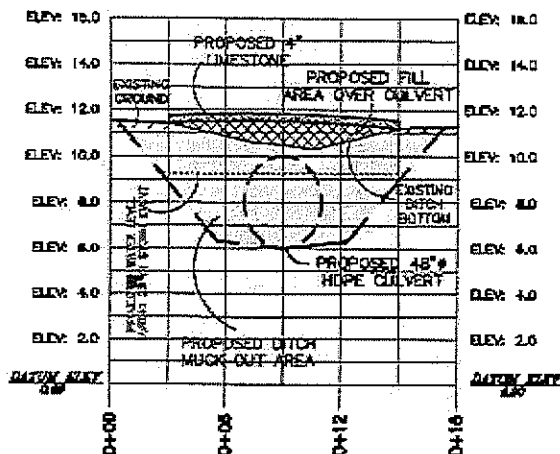


PROFILE: PROPOSED DITCH MUCK OUT AREA

STA 0+00 TO 9+00
(SCALES: HORIZ: 1"=120', VERT: 1"=6')

LEGEND:

- Proposed Ditch Bottom
- Existing Ground
- Proposed Fill
- Proposed Culvert
- Proposed Muck Out Area
- 0+00 Stations



CROSS SECTION A:

STA 1+38.11
(SCALE: N.T.S.)

NOTES:

- 1.) TOTAL MUCK OUT VOLUME IS APPROXIMATELY 1800 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IS APPROXIMATELY 17 CUBIC YARDS AT CROSS SECTION A.
- 3.) FILL VOLUME (LIMESTONE) IS APPROXIMATELY 6 CUBIC YARDS AT CROSS SECTION A.
- 4.) DREDGED MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE VICINITY MAP FOR LOCATION.) EQUIPMENT USED: ESCAVATOR AND DUMP TRUCK
- 5.) COORDINATES BASED ON STATE PLANE COORDINATE SYSTEM (NAD83/88).
- 6.) EXISTING DITCHES ARE USUALLY DRY EXCEPT FOR WHEN SIGNIFICANT RAINFALL HAS OCCURED. WHEN THIS HAPPENS, WATER OCCASSIONALLY FILLS THE DITCHES AND FLOODS THE ADJACENT PROPERTIES. PROJECTED WATER LEVELS FOR POST CONSTRUCTION OF SUBDIVISION ARE SHOWN IN PROFILES AND CROSS SECTIONS. THESE WATER LEVELS WILL NOT BE CONSTANT AND THE DITCHES WILL RETURN TO A DRY STATE ONCE ALL WATER HAS BEEN DRAINED.

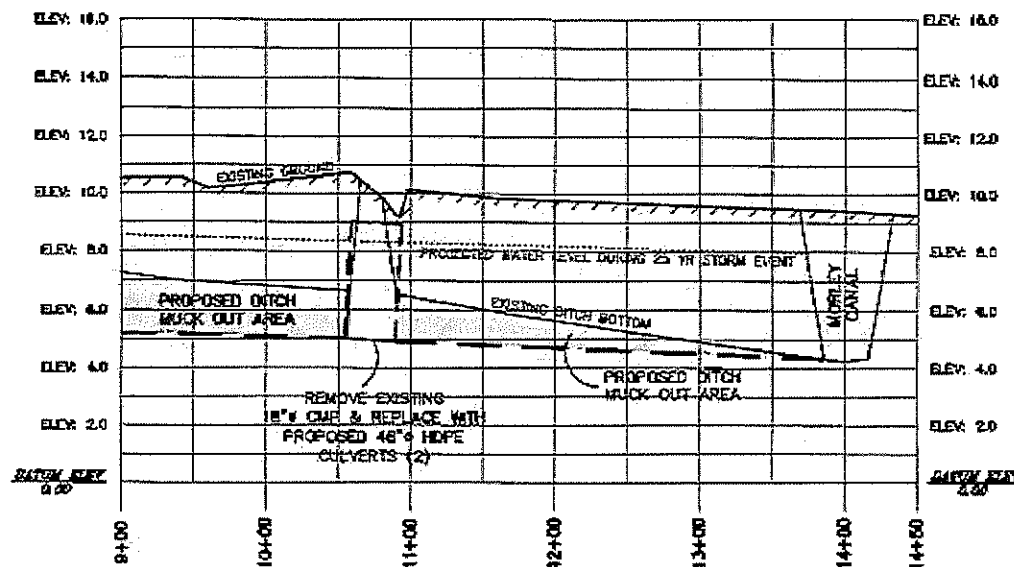
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Drawn: TDF Date: 11/14/13 Job No: 13-189 Sheet: 7/8

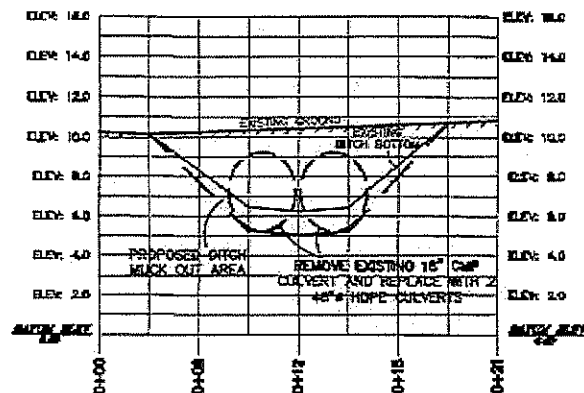


PROFILE: PROPOSED DITCH MUCK OUT AREA

STA 9+00 TO 14+50
(SCALES: HORIZ: 1"=120', VERT: 1"=6')

LEGEND:

- Proposed Ditch Bottom
- Existing Ground
- Proposed Fill
- Proposed Culvert
- Proposed Muck Out Area
- 0+00 Stations



CROSS SECTION B:

STA 10+59.32
(SCALE: N.T.S.)

NOTES:

- 1.) TOTAL MUCK OUT VOLUME IS APPROXIMATELY 1800 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IS APPROXIMATELY 17 CUBIC YARDS AT CROSS SECTION A.
- 3.) FILL VOLUME (LIMESTONE) IS APPROXIMATELY 6 CUBIC YARDS AT CROSS SECTION A.
- 4.) DREDGED MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE MONITY MAP FOR LOCATION.) EQUIPMENT USED: ESCAVATOR AND DUMP TRUCK
- 5.) COORDINATES BASED ON STATE PLANE COORDINATE SYSTEM (NAD83/88).
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PORT ALLEN, LA 70787
OFFICE: (225) 387-2187
FAX: (225) 388-8006

Drawn: TDF Date: 11/14/13 Job No: 13-188 Sheet: 8/8

APPENDIX I

Gordon, Kyle MVN

From: Gordon, Kyle MVN
Sent: Tuesday, November 17, 2015 8:56 AM
To: 'bottomlandconsulting@gmail.com'
Subject: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Brandon,

Following Gary Couret's retirement earlier this year, a handful of his unresolved violations were recently reassigned to a few of us in the Enforcement Section. One of those violations happened to be one you were the agent for (MVN-2014-02503-SA). It appears you also worked on the JD (MVN-2013-02054-SC) and the subsequent drainage project permit (MVN-2014-01999-CM).

To fully resolve the non-drainage project violations associated with this property, it appears that your client has decided to restore the remainder of the cleared wetlands. Since it also appears, that the original intent of the clearing was for timber operations, this site could be planted or allowed to self-restore for future timbering operations. If this is the case, the clearing could potentially qualify for the Clean Water Act's silviculture exemption. To qualify for this exemption, we'll need to be assured that the clearing (excluding the clearing associated with the drainage project) was for timbering purposes only, that the site will be restored (or allowed to restore), and that the site will remain a silviculture operation with another future harvest. We'll also need to be assured that the shed and limestone road that were proposed in the initial permit application dated August 11, 2014 have not and will not be constructed in the wetland area.

If you or your clients have any questions, feel free to email me or give me a call at my direct line below.

Kyle Gordon
Botanist
U.S. Army Corps of Engineers
New Orleans District
504.862.1627
kyle.b.gordon@usace.army.mil

APPENDIX J

Gordon, Kyle MVN

From: Brandon Melville <bottomlandconsulting@gmail.com>
Sent: Tuesday, December 01, 2015 11:55 AM
To: Gordon, Kyle MVN
Subject: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Kyle-

I am waiting to hear from the client. He was out of town on a hunting trip. We are supposed to convene when he returns. It's been a while so I would like to find out all that they have done or plan to do regarding this matter. I'll send you the information as soon as possible.

Also, I have a permit application for Angelle Industries that was submitted a while ago. Can you find out for me who is the analyst working on it? It is located in Butte Larose.

Sent from my iPhone

> On Dec 1, 2015, at 11:12 AM, Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil> wrote:

>

> Brandon,

> Just checking to see if you have any updates to my email below. Thank you.

>

> Kyle Gordon

> Botanist

> U.S. Army Corps of Engineers

> New Orleans District

> 504.862.1627

> kyle.b.gordon@usace.army.mil

>

>

> -----Original Message-----

> From: Gordon, Kyle MVN

> Sent: Tuesday, November 17, 2015 8:56 AM

> To: 'bottomlandconsulting@gmail.com' <bottomlandconsulting@gmail.com>

> Subject: River Bottom Whitetails Violation (MVN-2014-02503-SA)

>

> Brandon,

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>

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>

> Kyle Gordon

> Botanist

> U.S. Army Corps of Engineers

> New Orleans District

> 504.862.1627

> kyle.b.gordon@usace.army.mil

>

>

>

APPENDIX K

Gordon, Kyle MVN

From: Gordon, Kyle MVN
Sent: Friday, January 15, 2016 10:52 AM
To: Brandon Melville
Subject: RE: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Brandon,
I never heard from Mr. Safford regarding this project. I'm just checking to see if you happen to have any updates or information. Thanks.

Kyle Gordon
Botanist
U.S. Army Corps of Engineers
New Orleans District
504.862.1627
kyle.b.gordon@usace.army.mil

-----Original Message-----

From: Gordon, Kyle MVN
Sent: Tuesday, December 01, 2015 12:42 PM
To: 'Brandon Melville' <bottomlandconsulting@gmail.com>
Subject: RE: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Brandon,
Thanks for the information and thanks for getting back with me. I also emailed Jason Safford, so I'll let you know if I hear something from him first.

The Angelle Industries application is being reviewed by Johnny Duplantis. He can be reached at 504-862-2548 or johnny.j.duplantis@usace.army.mil.

Kyle Gordon
Botanist
U.S. Army Corps of Engineers
New Orleans District
504.862.1627
kyle.b.gordon@usace.army.mil

-----Original Message-----

From: Brandon Melville [mailto:bottomlandconsulting@gmail.com]
Sent: Tuesday, December 01, 2015 11:55 AM
To: Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil>
Subject: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Kyle-

I am waiting to hear from the client. He was out of town on a hunting trip. We are supposed to convene when he returns. It's been a while so I would like to find out all that they have done or plan to do regarding this matter. I'll send you the information as soon as possible.

Also, I have a permit application for Angelle Industries that was submitted a while ago. Can you find out for me who is the analyst working on it? It is located in Butte Larose.

Sent from my iPhone

> On Dec 1, 2015, at 11:12 AM, Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil> wrote:

>

> Brandon,

> Just checking to see if you have any updates to my email below. Thank you.

>

> Kyle Gordon

> Botanist

> U.S. Army Corps of Engineers

> New Orleans District

> 504.862.1627

> kyle.b.gordon@usace.army.mil

>

>

> -----Original Message-----

> From: Gordon, Kyle MVN

> Sent: Tuesday, November 17, 2015 8:56 AM

> To: 'bottomlandconsulting@gmail.com' <bottomlandconsulting@gmail.com>

> Subject: River Bottom Whitetails Violation (MVN-2014-02503-SA)

>

> Brandon,

> Following Gary Couret's retirement earlier this year, a handful of his unresolved violations were recently reassigned to a few of us in the Enforcement Section. One of those violations happened to be one you were the agent for (MVN-2014-02503-SA). It appears you also worked on the JD (MVN-2013-02054-SC) and the subsequent drainage project permit (MVN-2014-01999-CM).

>

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>

> If you or your clients have any questions, feel free to email me or give me a call at my direct line below.

>

> Kyle Gordon

> Botanist

> U.S. Army Corps of Engineers

> New Orleans District

> 504.862.1627

> kyle.b.gordon@usace.army.mil

>

>

APPENDIX L

Gordon, Kyle MVN

From: Brandon Melville <bottomlandconsulting@gmail.com>
Sent: Monday, January 25, 2016 4:05 PM
To: Gordon, Kyle MVN
Subject: Re: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Kyle,

Hope all is well. I have talked to Mr. Safford and his associates. I requested a copy of the permit that was obtained for the parish so when I go out there I can address what was permitted versus what was part of the cease and desist issues by Gary. I'll keep you posted. Thanks

B

Sent from my iPhone

> On Jan 15, 2016, at 10:52 AM, Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil> wrote:

>

> Brandon,

> I never heard from Mr. Safford regarding this project. I'm just checking to see if you happen to have any updates or information. Thanks.

>

> Kyle Gordon

> Botanist

> U.S. Army Corps of Engineers

> New Orleans District

> 504.862.1627

> kyle.b.gordon@usace.army.mil

>

>

> -----Original Message-----

> From: Gordon, Kyle MVN

> Sent: Tuesday, December 01, 2015 12:42 PM

> To: 'Brandon Melville' <bottomlandconsulting@gmail.com>

> Subject: RE: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

>

> Brandon,

> Thanks for the information and thanks for getting back with me. I also emailed Jason Safford, so I'll let you know if I hear something from him first.

>

> The Angelle Industries application is being reviewed by Johnny Duplantis. He can be reached at 504-862-2548 or johnny.j.duplantis@usace.army.mil.

>

> Kyle Gordon

> Botanist

> U.S. Army Corps of Engineers

> New Orleans District

> 504.862.1627

> kyle.b.gordon@usace.army.mil

>

>

> -----Original Message-----

> From: Brandon Melville [mailto:bottomlandconsulting@gmail.com]

> Sent: Tuesday, December 01, 2015 11:55 AM

> To: Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil>

> Subject: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

>

> Kyle-

>

> I am waiting to hear from the client. He was out of town on a hunting trip. We are supposed to convene when he returns. It's been a while so I would like to find out all that they have done or plan to do regarding this matter. I'll send you the information as soon as possible.

>

> Also, I have a permit application for Angelle Industries that was submitted a while ago. Can you find out for me who is the analyst working on it? It is located in Butte Larose.

>

>

>

> Sent from my iPhone

>

>> On Dec 1, 2015, at 11:12 AM, Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil> wrote:

>>

>> Brandon,

>> Just checking to see if you have any updates to my email below. Thank you.

>>

>> Kyle Gordon

>> Botanist

>> U.S. Army Corps of Engineers

>> New Orleans District

>> 504.862.1627

>> kyle.b.gordon@usace.army.mil

>>

>>

>> -----Original Message-----

>> From: Gordon, Kyle MVN

>> Sent: Tuesday, November 17, 2015 8:56 AM

>> To: 'bottomlandconsulting@gmail.com' <bottomlandconsulting@gmail.com>

>> Subject: River Bottom Whitetails Violation (MVN-2014-02503-SA)

>>

>> Brandon,

>> Following Gary Couret's retirement earlier this year, a handful of his unresolved violations were recently reassigned to a few of us in the Enforcement Section. One of those violations happened to be one you were the agent for (MVN-2014-02503-SA). It appears you also worked on the JD (MVN-2013-02054-SC) and the subsequent drainage project permit (MVN-2014-01999-CM).

>>

>> To fully resolve the non-drainage project violations associated with this property, it appears that your client has decided to restore the remainder of the cleared wetlands. Since it also appears, that the original intent of the clearing was for timber operations, this site could be planted or allowed to self-restore for future timbering operations. If this is the case, the clearing could potentially qualify for the Clean Water Act's silviculture exemption. To qualify for this exemption, we'll need to be assured that the clearing (excluding the clearing associated with the drainage project) was for timbering purposes only, that the site will be restored (or allowed to restore), and that the site will remain a silviculture operation with another future harvest. We'll also need to be assured that the shed and limestone road that were proposed in the initial permit application dated August 11, 2014 have not and will not be constructed in the wetland area.

>>
>> If you or your clients have any questions, feel free to email me or give me a call at my direct line below.
>>
>> Kyle Gordon
>> Botanist
>> U.S. Army Corps of Engineers
>> New Orleans District
>> 504.862.1627
>> kyle.b.gordon@usace.army.mil
>
>

APPENDIX M

Gordon, Kyle MVN

From: Gordon, Kyle MVN
Sent: Friday, March 25, 2016 9:39 AM
To: 'Brandon Melville'
Subject: RE: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Brandon,
It's been two months since I last heard from you regarding this violation. Do you have any updates?

Kyle Gordon
Botanist
U.S. Army Corps of Engineers
New Orleans District
504.862.1627
kyle.b.gordon@usace.army.mil

-----Original Message-----

From: Brandon Melville [mailto:bottomlandconsulting@gmail.com]
Sent: Monday, January 25, 2016 4:05 PM
To: Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil>
Subject: Re: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Kyle,

Hope all is well. I have talked to Mr. Safford and his associates. I requested a copy of the permit that was obtained for the parish so when I go out there I can address what was permitted versus what was part of the cease and desist issues by Gary. I'll keep you posted. Thanks

B

Sent from my iPhone

> On Jan 15, 2016, at 10:52 AM, Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil> wrote:

>

> Brandon,

> I never heard from Mr. Safford regarding this project. I'm just checking to see if you happen to have any updates or information. Thanks.

>

> Kyle Gordon

> Botanist

> U.S. Army Corps of Engineers

> New Orleans District

> 504.862.1627

> kyle.b.gordon@usace.army.mil

>

>

> -----Original Message-----

> **From:** Gordon, Kyle MVN

> **Sent:** Tuesday, December 01, 2015 12:42 PM

> **To:** 'Brandon Melville' <bottomlandconsulting@gmail.com>

> **Subject:** RE: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

>

> Brandon,

> Thanks for the information and thanks for getting back with me. I also emailed Jason Safford, so I'll let you know if I hear something from him first.

>

> The Angelle Industries application is being reviewed by Johnny Duplantis. He can be reached at 504-862-2548 or johnny.j.duplantis@usace.army.mil.

>

> Kyle Gordon

> Botanist

> U.S. Army Corps of Engineers

> New Orleans District

> 504.862.1627

> kyle.b.gordon@usace.army.mil

>

>

> -----Original Message-----

> From: Brandon Melville [mailto:bottomlandconsulting@gmail.com]

> Sent: Tuesday, December 01, 2015 11:55 AM

> To: Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil>

> Subject: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

>

> Kyle-

>

> I am waiting to hear from the client. He was out of town on a hunting trip. We are supposed to convene when he returns. It's been a while so I would like to find out all that they have done or plan to do regarding this matter. I'll send you the information as soon as possible.

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> Also, I have a permit application for Angelle Industries that was submitted a while ago. Can you find out for me who is the analyst working on it? It is located in Butte Larose.

>

>

>

> Sent from my iPhone

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>> Brandon,

>> Just checking to see if you have any updates to my email below. Thank you.

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>> Kyle Gordon

>> Botanist

>> U.S. Army Corps of Engineers

>> New Orleans District

>> 504.862.1627

>> kyle.b.gordon@usace.army.mil

>>

>>

>> -----Original Message-----

>> From: Gordon, Kyle MVN

>> Sent: Tuesday, November 17, 2015 8:56 AM

>> To: 'bottomlandconsulting@gmail.com' <bottomlandconsulting@gmail.com>

>> Subject: River Bottom Whitetails Violation (MVN-2014-02503-SA)

>>

>> Brandon,

>> Following Gary Couret's retirement earlier this year, a handful of his unresolved violations were recently reassigned to a few of us in the Enforcement Section. One of those violations happened to be one you were the agent for (MVN-2014-02503-SA). It appears you also worked on the JD (MVN-2013-02054-SC) and the subsequent drainage project permit (MVN-2014-01999-CM).

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>> To fully resolve the non-drainage project violations associated with this property, it appears that your client has decided to restore the remainder of the cleared wetlands. Since it also appears, that the original intent of the clearing was for timber operations, this site could be planted or allowed to self-restore for future timbering operations. If this is the case, the clearing could potentially qualify for the Clean Water Act's silviculture exemption. To qualify for this exemption, we'll need to be assured that the clearing (excluding the clearing associated with the drainage project) was for timbering purposes only, that the site will be restored (or allowed to restore), and that the site will remain a silviculture operation with another future harvest. We'll also need to be assured that the shed and limestone road that were proposed in the initial permit application dated August 11, 2014 have not and will not be constructed in the wetland area.

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>> If you or your clients have any questions, feel free to email me or give me a call at my direct line below.

>>

>> Kyle Gordon

>> Botanist

>> U.S. Army Corps of Engineers

>> New Orleans District

>> 504.862.1627

>> kyle.b.gordon@usace.army.mil

>

>

APPENDIX N



Google earth

Image © 2016 DigitalGlobe

APPENDIX O



APPENDIX P



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267
CEASE AND DESIST ORDER

Operations Division
Surveillance and Enforcement Section

CASE NUMBER: MVN-2014-02503-A-SA

ISSUED TO: Mr. Jason Safford, River Bottom Whitetails, LLC

ADDRESS: 1815 Augustine Street, Port Allen, LA 70767 PHONE: 225-505-1234

LOCATION OF WORK: 5867 Choctaw Road, Brusly, Louisiana, at Lat. 30.381533, Long. 91.291915 in Section 79, Township 8 South, Range 12 East, West Baton Rouge Parish, Louisiana

CHARACTER OF WORK: Unauthorized redistribution and deposition of fill in wetlands

APPARENT VIOLATION OF: ☐ Section 10 of the Rivers and Harbors Act (RHA); ☐ Section 13 of the RHA;
☒ Section 301 of the Clean Water Act (CWA); and/or ☒ Section 404 of the CWA.

This work was performed in waters of the United States and is therefore subject to Department of the Army regulatory authority. You are directed not to perform or allow any further unauthorized work at this site until proper authorization has been granted. Failure to abide by this Cease and Desist Order will result in appropriate legal action.

You are advised that violations of the RHA and/or the CWA may subject you to appropriate administrative and/or judicial action. Legal action could result in a fine and/or a court order to restore the site to pre-project conditions. A DA permit application cannot be accepted until all legal issues are resolved. To assist us in our evaluation of these matters, you are requested to submit a letter of comments. Specifically, your comments should address why you failed to obtain a DA permit prior to conducting the above work in light of the fact that you received a jurisdictional determination for this property dated June 17, 2014 which

indicated wetlands, and also withdrew your permit (MVN-2015-2014-02541-CM) for this unauthorized work.

Your comments should be submitted to the Chief, Surveillance and Enforcement Section, at the above address.

If we do not receive a written response from you within 20 days from the date shown below, we will proceed with appropriate action for resolution of the legal issues based on the information in our files.

Should you wish to discuss this matter further, or if you have any questions concerning wetlands and the permitting process, please contact the undersigned issuer at (504) 862-1627, or -2270.

Sincerely,

Richard L. Hansen
Colonel, US Army
District Commander

ISSUED BY: Kyle Gordon JOB TITLE: Botanist

RECEIPT ACKNOWLEDGED: _____ DATE: _____

APPENDIX Q

Bottomland Consulting, LLC

Forestry and Land Management Services

May 18, 2016

CEMVN-OD-SS
ATTN: Chief, Surveillance & Enforcement
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, Louisiana 70118-3651

RE: MVN-2014-02503-A-SA
River Bottom Whitetails, LLC
Response to Cease and Desist Order

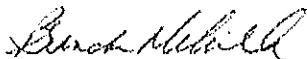
Dear Chief of Surveillance and Enforcement:

On behalf of River Bottom Whitetails LLC, we would like to acknowledge receipt of a COE issued Cease Desist Order. Please let this letter serve as our response and reason for the un-authorized activities on the subject property in W. Baton Rouge. After discussing the situation with RBW associates, it is apparent that work within jurisdictional wetlands was conducted for an activity where a permit was requested and later withdrawn. We would like to assure that RBW did not dis-regard the permit process to obtain authorization for this activity after retracting the original permit from your department. The un-authorized activity was inadvertent and simply a miscommunication between RBW and its contractors as to what was and wasn't permitted.

Please be advised that RBW would like to move forward with submitting an after the fact permit application for the impacts to jurisdictional wetlands and waters associated with the subject property, mitigate for any un-authorized impacts to wetlands, and submit a plan to restore the remaining portion of the site to pre-project elevations and habitat type.

As you begin your evaluation, please do not hesitate to call or email me at 337.849.9978 and bottomlandconsulting@gmail.com, and I can provide you with any particulars that you may require.

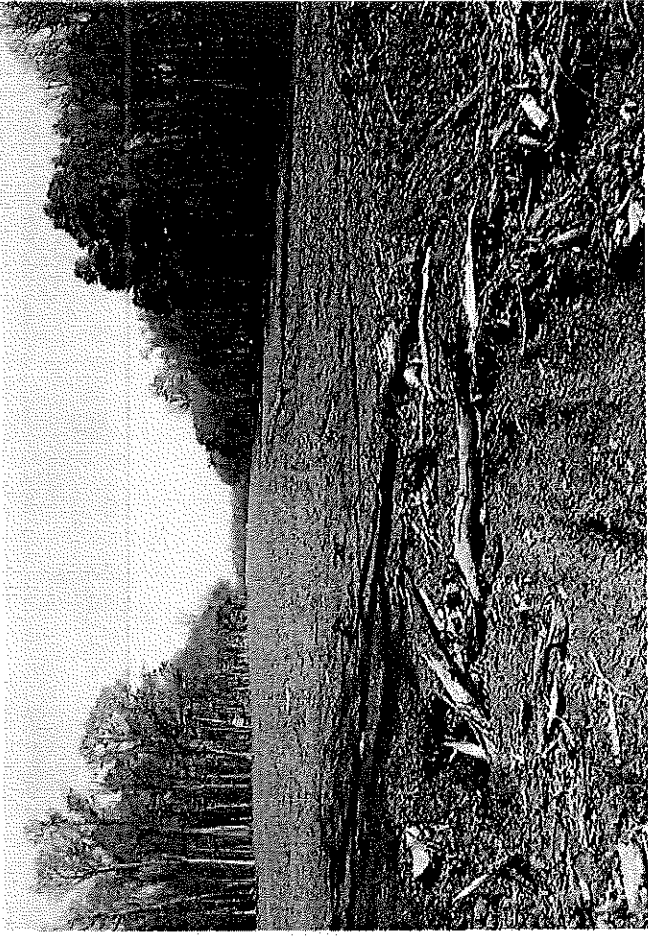
Kindest Regards,



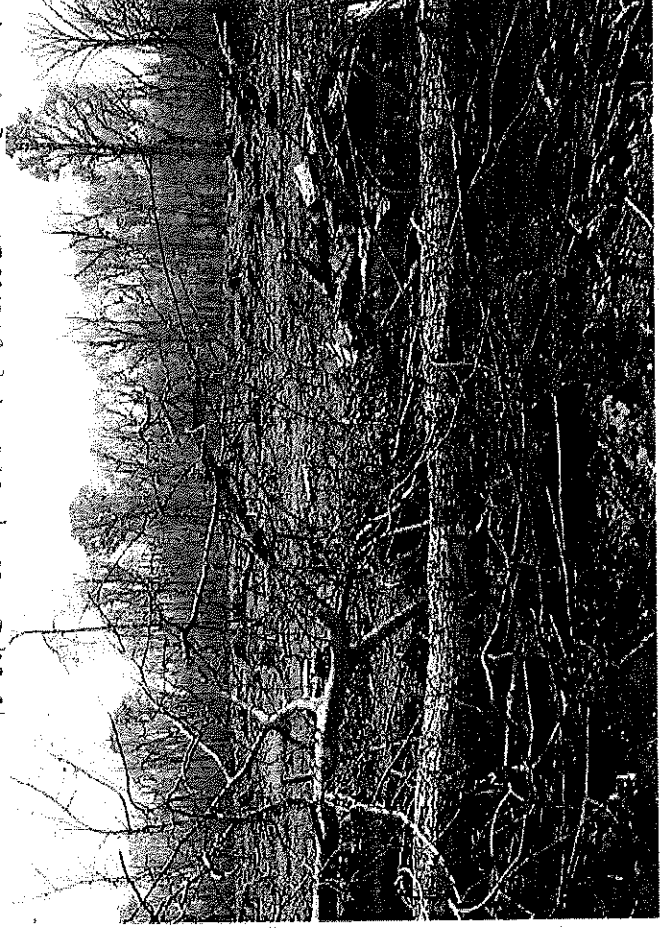
Brandon Melville
Agent River Bottom Whitetails, LLC

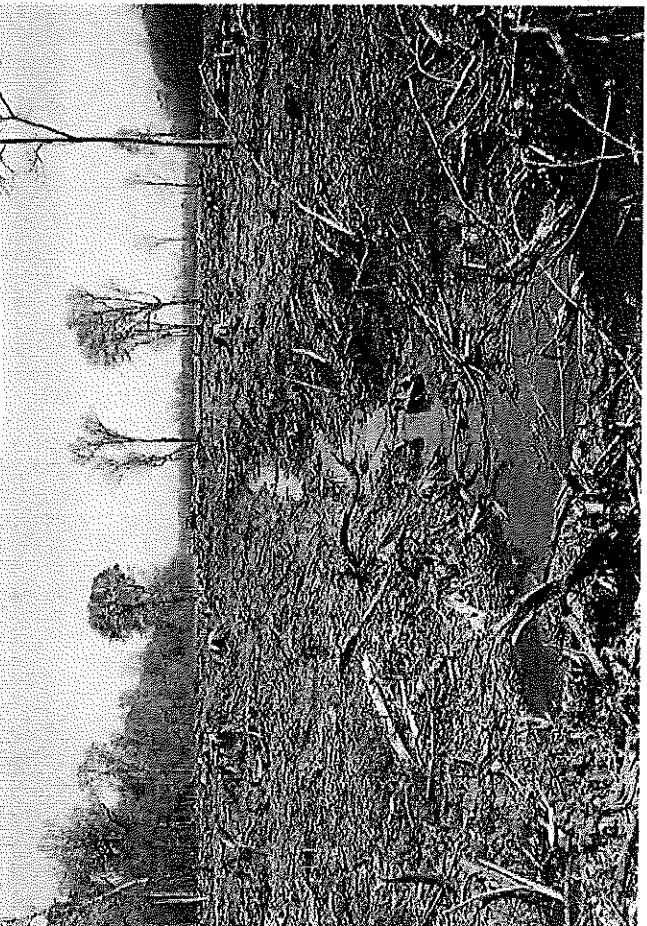
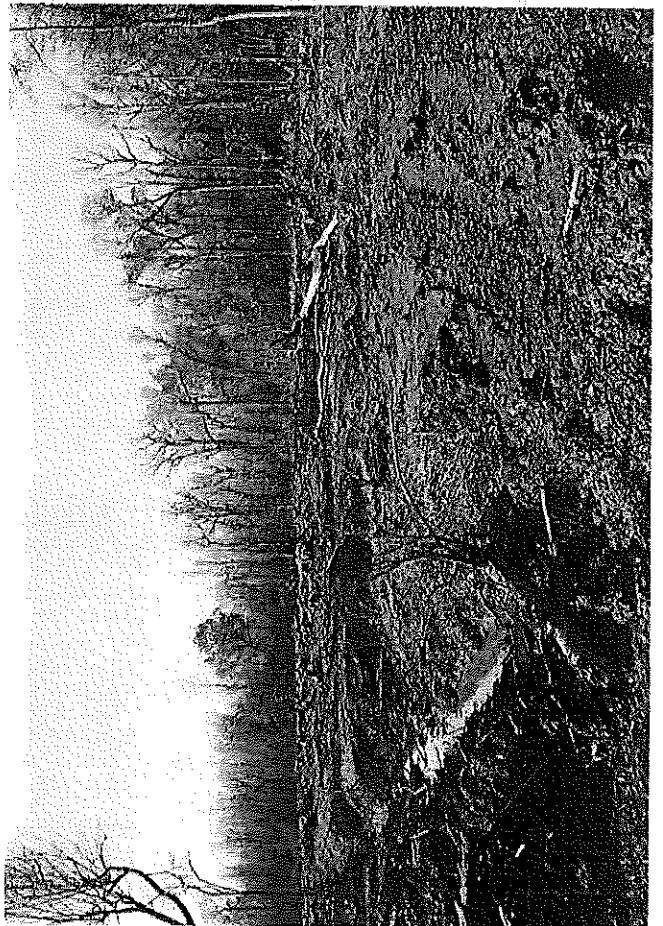
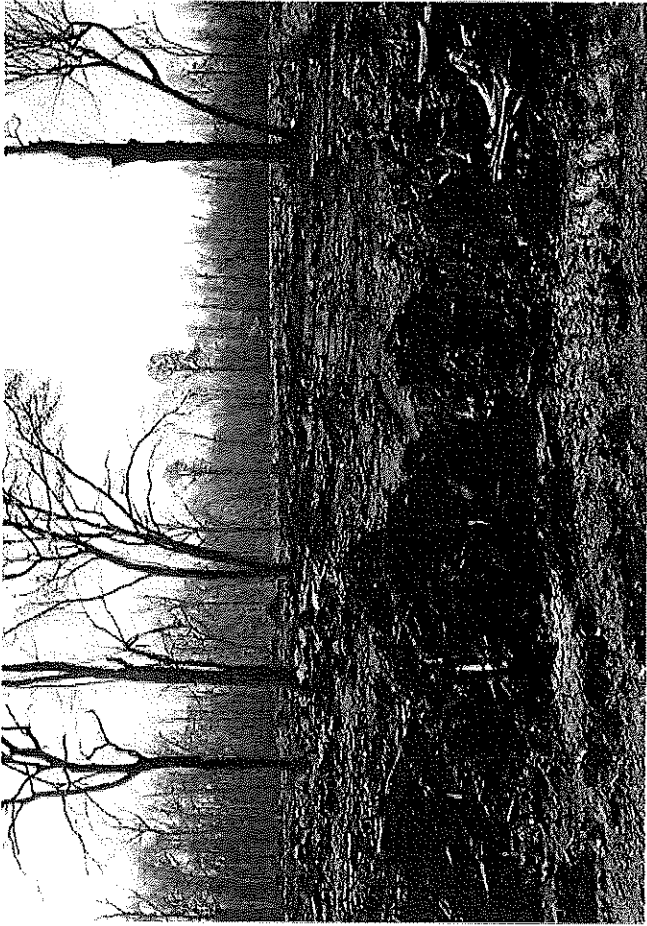
cc: Jason Safford; Al Landry

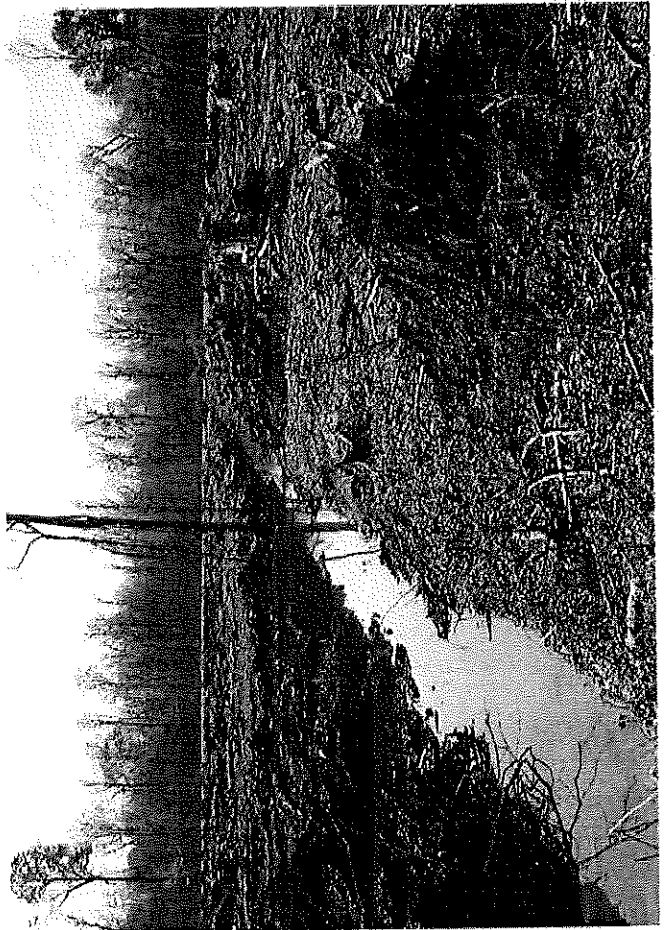
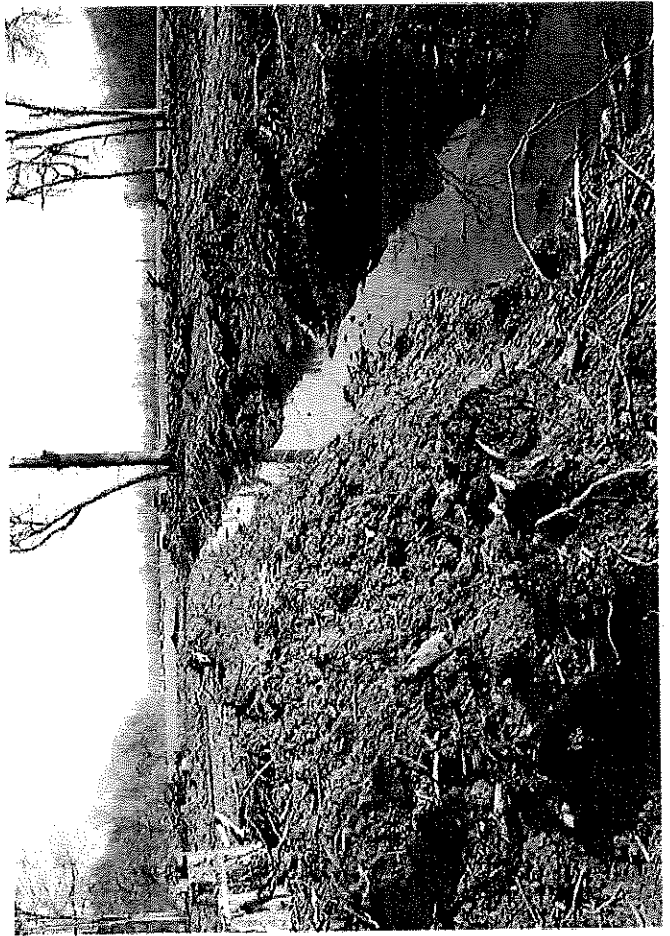
APPENDIX PHOTOS 34 COMPS ONE

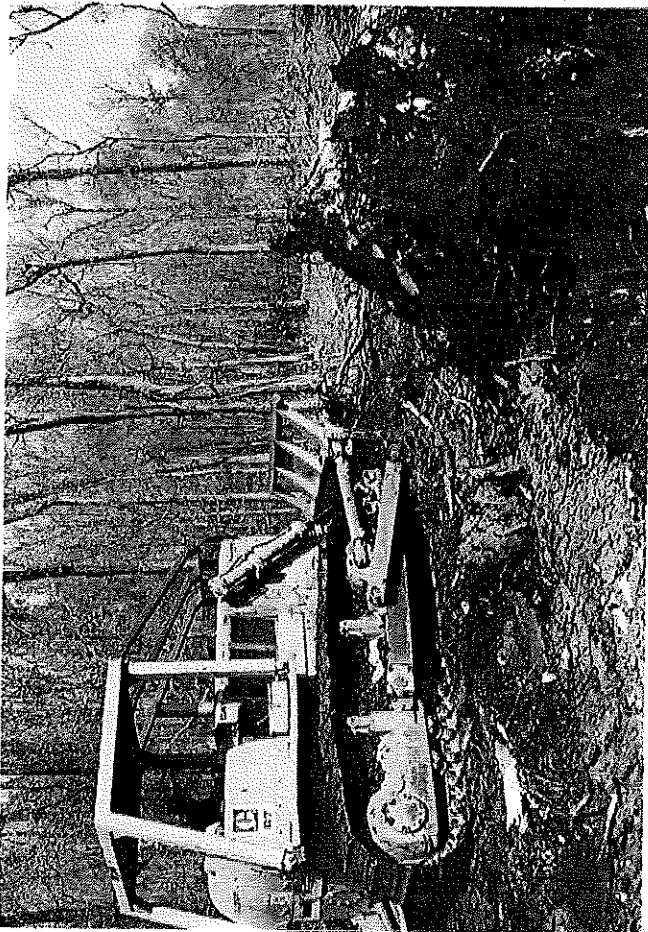
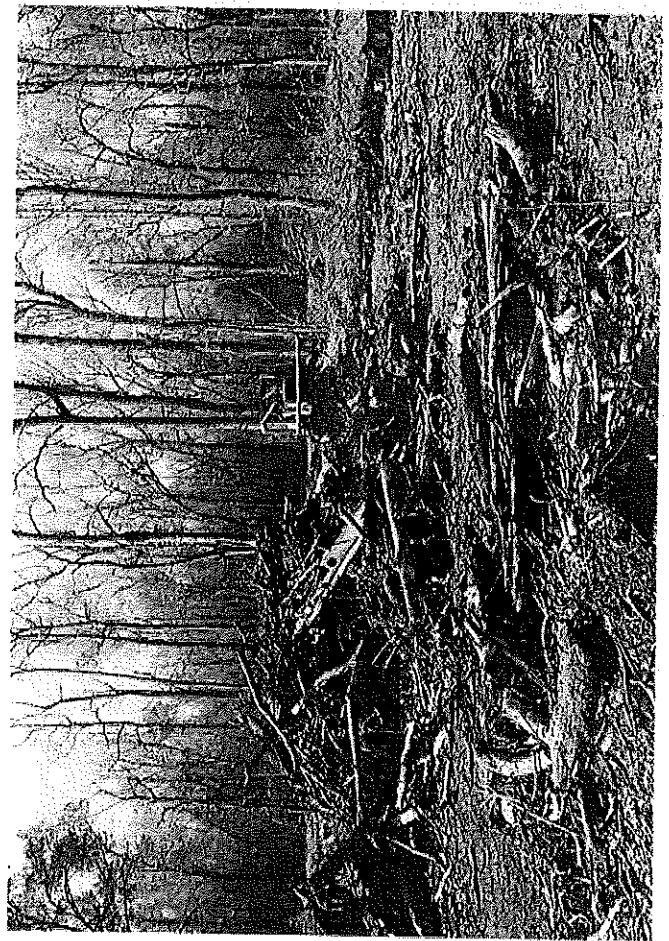


↑ ADJACENT FOREST DOWNSTREAM OF LOT





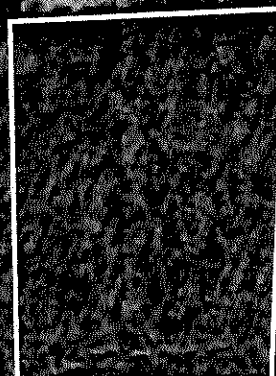




CHOCTAW RD LA-989-1

989-1

WELDON LN



US Army Corps
of Engineers
New Orleans District

Site Map
Project Location

MVN-2014-02503-SA

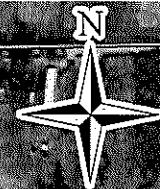
1998



CHOCTAW RD LA-989-1

989-

WELDON LN



**US Army Corps
of Engineers**
New Orleans District

Site Map

Project Location

MVN-2014-02503-SA

2004



CHOCOTAW RD/LA-989-1

989

WELDON LN

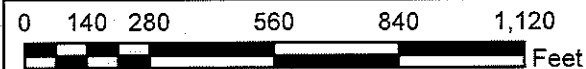


US Army Corps
of Engineers
New Orleans District

Site Map
Project Location

MVN-2014-02503-SA

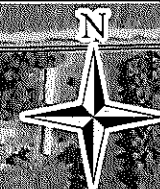
2008



CHOCTAW RD/LA-989-1

989-1

WELDON LN



US Army Corps
of Engineers®
New Orleans District

Site Map
Project Location

MVN-2014-02503-SA

2013

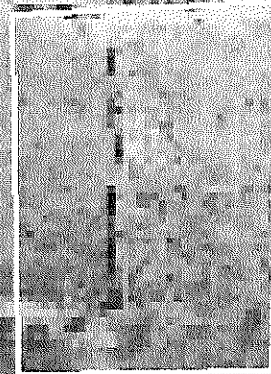
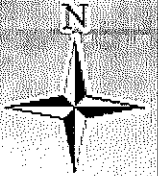
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Feet

APPENDIX W

CHOCTAW RD LA-889-1

989-1

WELDON LN



US Army Corps
of Engineers
New Orleans District

Site Map
Project Location

Value

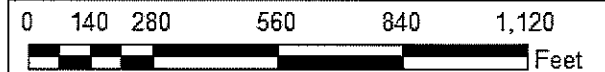


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Low : 2.51335

MVN-2014-02503-SA

LIDAR



APPENDIX V

CHOCTAW RD LA-989-1

989-1

WELDON LN



**US Army Corps
of Engineers**
New Orleans District

Site Map

 Project Location

MVN-2014-02503-SA

2013

0 140 280 560 840 1,120
Feet

APPENDIX N



Google earth

Image © 2016 DigitalGlobe

APPENDIX O



Gutierrez, Raul

From: Gutierrez, Raul
Sent: Tuesday, October 11, 2016 2:39 PM
To: Talbot, Kristine
Subject: RE: Safford Violation - West Baton Rouge Parish
Attachments: Safford - EPA acceptance of Corps referral.doc; Safford Administrative Order.doc; Safford Cover Letter AO.doc

Here are the draft AO and associated letters.

From: Talbot, Kristine
Sent: Tuesday, October 04, 2016 9:56 AM
To: Gutierrez, Raul
Subject: RE: Safford Violation - West Baton Rouge Parish

Great, thanks. I look forward to working with you on this case.

Kristine

From: Gutierrez, Raul
Sent: Monday, October 03, 2016 6:31 PM
To: Talbot, Kristine <Talbot.Kristine@epa.gov>
Subject: Safford Violation - West Baton Rouge Parish

Kristine,
Attached is the referral from the Corps. I'll send the draft AO later this week. Thanks for your help!

Raul Gutierrez, Ph.D.
Wetlands Section (6WQ-EM)
US EPA Region 6
(504) 862-2371

Office:
US Army Corps of Engineers
New Orleans District
CEMVN-OD-SS
7400 Leake Ave
New Orleans, Louisiana 70118

From: [Talbot, Kristine](#)
To: [Gutierrez, Raul](#)
Subject: RE: Safford Violation - West Baton Rouge Parish
Date: Friday, October 14, 2016 2:09:00 PM
Attachments: [Safford Administrative Order kt edits.doc](#)
[Safford Cover Letter AO kt edits.doc](#)

Hi Raul,

Please find attached the AO and cover letter with my edits and comments.

Are you available next week to discuss this case? Please let me know if you have any questions regarding my edits/comments.

Thanks,

Kristine

Kristine Talbot
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 6
(214) 665-8356

NOTICE: This communication may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information. Thank you.

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US EPA Region 6
(504) 862-2371

Office:
US Army Corps of Engineers
New Orleans District
CEMVN-OD-SS
7400 Leake Ave
New Orleans, Louisiana 70118

From: [Gutierrez, Raul](#)
To: [Talbot, Kristine](#)
Subject: RE: Safford Violation - West Baton Rouge Parish
Date: Friday, October 14, 2016 2:41:40 PM

I'm free Monday morning or all day Thursday of next week.

From: Talbot, Kristine
Sent: Friday, October 14, 2016 2:09 PM
To: Gutierrez, Raul <Gutierrez.Raul@epa.gov>
Subject: RE: Safford Violation - West Baton Rouge Parish

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New Orleans District
CEMVN-OD-SS
7400 Leake Ave
New Orleans, Louisiana 70118

From: [Talbot, Kristine](#)
To: [Gutierrez, Raul](#)
Subject: RE: Safford Violation - West Baton Rouge Parish
Date: Friday, October 14, 2016 4:02:00 PM

Thursday works for me. How about 10am? My schedule is flexible on Thursday so if 10am does not work for you, please propose another time.

Thanks,
Kristine

From: Gutierrez, Raul
Sent: Friday, October 14, 2016 2:43 PM
To: Talbot, Kristine <Talbot.Kristine@epa.gov>
Subject: RE: Safford Violation - West Baton Rouge Parish

I'm out Monday. Thursday?

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US EPA Region 6
(504) 862-2371

Office:
US Army Corps of Engineers
New Orleans District
CEMVN-OD-SS
7400 Leake Ave
New Orleans, Louisiana 70118

Vaughn, Lorena

Full Name: Camille E. Walther, Esq.
Last Name: Walther
First Name: Camille
Company: Harrison Law, LLC

Business Address: One American Place, Suite 820
Baton Rouge, LA 70825

Business: (225) 388-0065
Business 2: (225) 381-8175

E-mail: camille@harrisonlawllc.com
E-mail Display As: Camille E. Walther, Esq. (camille@harrisonlawllc.com)

From: [Mullins, Donna](#)
To: [Talbot, Kristine](#)
Subject: FW: River Bottom Whitetails LLC - West BR Parish, LA
Date: Thursday, December 07, 2017 9:39:00 AM

From: Brandon Melville [<mailto:bottomlandconsulting@gmail.com>]
Sent: Friday, November 10, 2017 7:10 AM
To: Mullins, Donna <mullins.donna@epa.gov>
Cc: Jason Safford <JPSafford@cox.net>; Alton Landry <altonlandryinc@yahoo.com>
Subject: River Bottom Whitetails LLC - West BR Parish, LA

Ms. Mullins,

I communicated our conversation to the members of River Bottom Whitetails yesterday. They are having an attorney look at the administrative order. RBW LLC has requested a copy of the permit from the engineer that handled the permitting for a project that included impacts to the wetlands associated with the violation. As soon as I receive that I will forward it to you. We are currently working on verifying the acres that were permanently impacted and the area that remains wetlands and will require restoration. As we discussed, the permanent impacts are associated with the lodge, ±.5 acres. The remaining wetland acres are of pre-project elevations and will be restored according an approved plan.

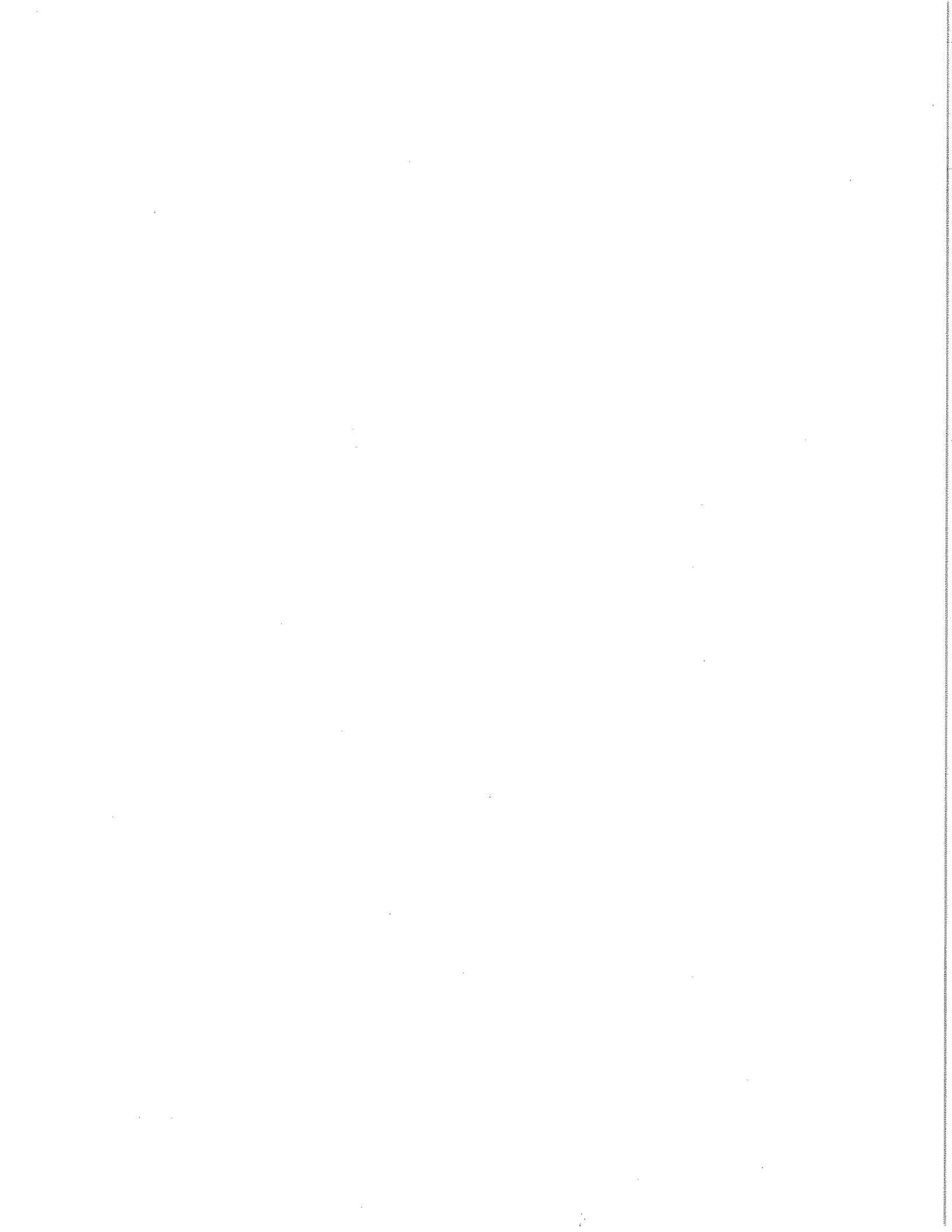
As soon as I have the information, I will forward it on to you. In the meantime, if you have any questions please do not hesitate contacting me.

Regards

Brandon Melville, *Forester*
2194 South Fieldspan Road
Duson, LA 70529
Phone: 337.849.9978
bottomlandconsulting@gmail.com



Bottomland Consulting, LLC
Forestry and Land Management Services



From: Camille Walther
To: Talbot, Kristine; Mullins, Donna
Cc: Andrew J. Harrison
Subject: Harrison Law, LLC - River Bottom Whitetails, LLC
Date: Monday, December 11, 2017 11:21:38 AM
Attachments: Camille E Walther Esq .vcf

Donna and Kristine,

I will be working with Andrew with respect to River Bottom Whitetails, LLC. I just wanted to introduce myself. Please find attached my vcard for y'all's records. I look forward to working with you on this matter, and hope we can reach a quick resolution.

Please do not hesitate to contact me with any questions or concerns.

With best regards,

Camille

Camille E. Walther
Harrison Law, LLC
One American Place, Suite 820
Baton Rouge, LA 70825
Ph: 225-388-0065
Fax: 225-388-0501
Direct Line: 225-381-8175
camille@harrisonlawllc.com

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Camille E. Walther, Esq.
Harrison Law, LLC

(225) 388-0065 Work
(225) 381-8175 Work
camille@harrisonlawllc.com

One American Place, Suite 820
Baton Rouge, LA 70825

From: Talbot, Kristine
To: "Camille Walther"; Mullins, Donna
Cc: Andrew J. Harrison
Subject: RE: Harrison Law, LLC - River Bottom Whitetails, LLC
Date: Monday, December 11, 2017 12:40:00 PM
Attachments: Kristine Talbot.vcf

Camille,

Please find attached my contact information. We look forward to working with you on this matter.

Thanks,

Kristine

Kristine Talbot
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 6
Office of Regional Counsel (6RC-EW)
1445 Ross Avenue
Dallas, Texas 75202
Tel. (214) 665-8356
talbot.kristine@epa.gov

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From: Camille Walther [mailto:camille@harrisonlawllc.com]
Sent: Monday, December 11, 2017 11:21 AM
To: Talbot, Kristine <Talbot.Kristine@epa.gov>; Mullins, Donna <mullins.donna@epa.gov>
Cc: Andrew J. Harrison <ajh@harrisonlawllc.com>
Subject: Harrison Law, LLC - River Bottom Whitetails, LLC

Donna and Kristine,

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With best regards,

Camille

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One American Place, Suite 820
Baton Rouge, LA 70825

Andrew,

The Corps has requested that a FOIA request be submitted. The FOIA request should be submitted to the New Orleans District Office.

Also, does Wednesday or Thursday work with your schedule for a call? Donna and I are available for a call anytime between 3:00 - 4:00 pm on Wednesday and anytime before 4:00 pm on Thursday.

Thanks,

Kristine

From: Talbot, Kristine
To: Mullins, Donna
Subject: RE:
Date: Wednesday, April 19, 2017 1:30:00 PM

Great, thanks Donna. I will forward you what I have on the Safford case.

From: Mullins, Donna
Sent: Wednesday, April 19, 2017 1:03 PM
To: Talbot, Kristine <Talbot.Kristine@epa.gov>
Subject: RE:

Kristine,

I haven't heard from the USCOE. I will call David Madden tomorrow. By the way, I have been assigned the Jason Safford Case. I need to review what has happened so far. After that, maybe we could sit down and discuss the case.

Donna
